

Red Tape Review Rule Report (Due: September 1, 2026)

Department Name:	IEDA	Date:	6/10/26	Total Rule Count:	8
IAC #:	223	Chapter/ SubChapter/ Rule(s):	Chapter 35	Iowa Code Section Authorizing Rule:	15.121
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The intended benefit of 223—Chapter 35 is to describe the administration of various responsibilities of the state historic preservation office (SHPO). The chapter was adopted by SHPO prior to its alignment with the IEDA in 2023 Iowa Acts, Senate File 514.

Is the benefit being achieved? Please provide evidence.

Yes. SHPO is able to efficiently administer its responsibilities.

What are the costs incurred by the public to comply with the rule?

None.

What are the costs to the agency or any other agency to implement/enforce the rule?

Authority staff time is required to administer responsibilities identified.

Do the costs justify the benefits achieved? Please explain.

No additional costs are imposed by the rules chapter beyond the SHPO’s statutory obligations in Iowa chapter 15 and the Historic Preservation Act of 1966 (54 U.S.C. Subtitle II, Division A).

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

No less restrictive alternatives were identified.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Yes. The chapter does contain repetition of statutory language and other unnecessary language. Additionally, the chapter should be transferred as 261—Chapter 410 for consistency with IEDA's and SHPO's other rules. Some of the content in the chapter should be incorporated into 261—Chapter 412 relating to the national register of historic places and 261—Chapter 417 relating to the certified local government program.

RULES PROPOSED FOR REPEAL (list rule number[s]):

The chapter should be rescinded and replaced with a new 261—Chapter 410.

***RULES PROPOSED FOR RE-PROMULGATION* (list rule number[s] or include text if available):**

261—410.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Act*” means the National Historic Preservation Act of 1966, Public Law 89-665, as amended (54 U.S.C. Subtitle II, Division A).

“*Advisory Council*” means the Advisory Council on Historic Preservation established under the Act.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Certified local government*” means a unit of local government which is certified by the National Park Service to carry out the purposes of the National Historic Preservation Act in accordance with Sections 101(c), 103(c) and 301 of the Act and 36 CFR Part 61.

“*Historic preservation*” includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities, or any combination of the foregoing activities.

“*Investment tax credit*” means a federal income tax credit for the substantial rehabilitation of historic buildings for commercial, industrial, and rental residential and nonresidential purposes.

“*National Register of Historic Places*” means the national list of historic properties maintained by the Secretary of the Interior.

“*Section 106*” means the section of the Act that requires federal agencies to take into account the effects of the undertakings that the agencies carry out, fund, license, permit or approve on historic properties and afford the Advisory Council a reasonable opportunity to comment. The regulations of 36 CFR Part 800 define the process used by an agency to meet these responsibilities and the role of the state historic preservation officer in review and comment on these undertakings.

“*State historic preservation officer*” or “*SHPO*” means the officer appointed and certified pursuant to Iowa Code section 15.121.

261—410.2(15) Responsibilities. The SHPO oversees the following:

1. Certification of local governments and providing grants to certified local governments. See 261—Chapter 417 for additional information.
2. Review and evaluation of applications for investment tax credits. See 261—Chapter 411 for additional information.
2. Processing nominations for the National Register of Historic Places and State Register of Historic Places. See 261—Chapter 412 for additional information.
3. Survey and inventory of cultural resources. See 223—Chapter 41 for additional information.
4. Review and compliance for undertakings pursuant to Section 106 and its implementing regulations at 36 CFR Part 800. See 261—Chapter 414 for additional information.
5. Technical assistance services provided for the development of skills or the provision of knowledge relative to the

background, significance, operation, or implications of activities under the purview of the SHPO. See rule 261—410.6(15) for additional information.

6. Review of historical preservation districts and areas of historical significance pursuant to Iowa Code chapter 15, subchapter II, part 27.

7. Other duties identified in Iowa Code section 15.121.

261—410.3(15) Eligibility. Eligibility for financial and technical assistance under the oversight of the SHPO is determined by the terms of the source of funds for the financial assistance and/or by applicable federal requirements.

261—410.4(15) Contracts and grants.

410.4(1) Federal contracts and grants shall be administered pursuant to the applicable federal requirements for such contracts and grants. This includes but is not limited to terms relating to match, reporting, and auditing.

410.4(2) Applications shall be submitted on the appropriate forms and with the requested supporting materials to be considered for funding. All applications for grants or contracts must be submitted according to instructions provided by the SHPO.

410.4(3) All applications for funding shall be reviewed by a staff person. An advisory committee may be appointed to assist in the review process. All grant or contract awards shall receive the written approval of the state historic preservation officer.

410.4(4) Evaluation criteria. The following evaluation criteria shall be applied to all grant or contract applications:

- a. Compliance with state and federal standards and grant guidelines.
- b. Clearly stated or specific goals that can be realistically attained within the funding period and proposed budget.
- c. Measurable results or products (number, quality).
- d. Linkage with goals and objectives embodied in state or local preservation plans.
- e. Past grant/contract performance of applicant.

410.4(5) Appeals of final agency action by the SHPO and the authority will be governed by Iowa Code chapter 17A.

261—410.5(15) Advisory committees.

410.5(1) Advisory committees may be appointed by the state historic preservation officer for the purpose of conducting peer reviews of grant products, reviewing and rating grant applications for funding, nominating historic resources to the National Register of Historic Places, and providing other professional input.

410.5(2) Advisory committees may be permanent or temporary. The term of office on temporary advisory committees shall be determined by the state historic preservation officer.

410.5(3) Recommendations by all advisory committees shall be nonbinding on the state historic preservation officer.

410.5(4) Members of an advisory committee shall not submit an application for a grant or contract from the authority. Action by an advisory committee member shall be in accordance with Iowa Code chapter 68B. Members of an advisory committee who have a conflict of interest shall disclose the interest to the authority. The affected member shall not participate in any discussion or action by the board with and shall be disqualified from voting with respect to the subject of the conflict of interest. The quorum of the committee shall not be changed as the result of a conflict of interest disqualification.

410.5(5) Members of advisory committees may be reimbursed for travel, lodging, and expenses at the discretion of the state historic preservation officer.

410.5(6) An Iowa state national register of historic places nominations review committee is created as a permanent advisory committee. The committee is described in 261—Chapter 412.

261—410.6(15) Technical assistance.

410.6(1) Technical assistance is provided as resources permit. First priority is given to projects relating to the National Register of Historic Places, the Certified Local Government program, or a local preservation commission.

410.6(2) Technical assistance may be provided in these four areas:

1. Planning assistance. On-site or other forms of consultation in the preparation and review of a community or county historic preservation plan.
2. Project monitoring. On-site or other forms of project monitoring and facilitation.
3. Local ordinance review and local historic district organization. In accordance with Iowa Code section 15.459(4), the local commission shall submit the draft or final ordinance for review and approval by staff. An existing commission shall similarly submit proposed local historic district designations for review and approval to staff. Comments by the appropriate staff shall be supplied within 45 days from the receipt of complete documentation.

4. General technical assistance. Technical assistance in the physical preservation of properties is provided by staff. This service is provided on an individual request and time available basis. The services provided by the staff shall not substitute for private professional services.

410.6(3) All inquiries and requests may be directed as instructed on the authority’s website.

261—410.7(15) References. All references to the Act, United States Code, or Code of Federal regulations in this chapter are to the laws as in effect on [effective date of rulemaking].

These rules are intended to implement Iowa Code section 15.121 and 54 U.S.C. Subtitle II, Division A.

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	1
Proposed word count reduction after repeal and/or re-promulgation	2536
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	70

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.