

AGE LIMITS: RE-EVALUATING THE FIFTY-YEAR RULE

by

ANNE R. CROTTY

(Under the Direction of John C. Waters)

ABSTRACT

The 'fifty-year rule' is preservation parlance for the axiom that a building must be fifty years old in order to be considered 'historic.' This axiom is derived from the National Register of Historic Places criteria and considerations. Little critical thought has been given to how a rule affects concepts of historic significance and the designation of historic resources.

This work looks at the origins of the fifty-year rule, its role in preservation practice, and whether the rule warrant re-evaluation. From there, the fifty-year rule is evaluated and alternatives to the rule are explored. Recommendations are based on an analysis of the fifty-year rule and its impact on historic preservation practice.

INDEX WORDS: Historic preservation, National Register of Historic Places, Fifty-year rule, Recent past, Preservation planning, Historic significance, Historic designation, Evaluation of historic properties

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ANNE R. CROTTY

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ANNE R. CROTTY

Major Professor: John C. Waters
Committee: James Reap
Melissa Roberts
Dr. Libby Morris

Electronic Version Approved:

Maureen Grasso
Dean of the Graduate School
The University of Georgia
December 2008

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INTRODUCTION

The purpose of this thesis is to examine the fifty-year rule and re-evaluate its role in historic preservation practice. Originating in the 1930s, the fifty-year rule has become conventional wisdom in the field of historic preservation. This rule is most readily identified with Consideration G of the National Register of Historic Places. Consideration G states that a property under fifty-years of age should not be considered for nomination unless it is of exceptional importance. While the National Register is not the sole method for evaluating historic resources the Register has had, and continues to have, a large effect on historic preservation practice. Because of this, the consideration has led to the fifty-year rule acting as an initial sieve through which properties must pass before consideration for the register.

The field of historic preservation is no longer a nascent field of study or practice. While historic preservation practice has been extant in the United States since the 19th century, the passage of the National Historic Preservation Act in 1966 marks the beginning of the field as a profession. Since that time, preservation practice and philosophy has changed and developed, but little has changed within the legal and regulatory framework of preservation practice. As young preservationists enter the field, they are faced with an era of architectural history that saw advances in building material technology, a drastic shift in architectural ideology, and a building boom the likes of which the United States had never seen.

Given these new challenges one may question whether the current framework in which historic preservation is practiced can accommodate such resources? A complete reevaluation of the practice of historic preservation is by no means possible or warranted, but looking at one tenant of historic preservation, the fifty-year rule, allows for an exploration of one aspect of

current practice and whether the intent of this rule is benefiting or limiting the evaluation of resources. Research questions spurred from questioning the fifty-year rule include:

- How did this rule originate and what was its rationale?
- How does this rule function in preservation practice?
- What is the impact of the fifty-year rule on historic preservation?
- Is the impact of the fifty-year rule great enough to warrant re-evaluation?
- Are there limitations to the fifty-year rule?
- What evaluative parameters do other nations use for their practice of historic preservation?
- What is the role of historical perspective in evaluating historic resources?
- Are there viable alternatives to the fifty-year rule?

Through the exploration and discussion of these questions new light will be shed on the fifty-year rule. These research questions will pave the way for a re-evaluation of the fifty-year rule and its efficacy in historic preservation practice.

Methodology

The methodology for this thesis was primarily archival research of primary and secondary sources. Laws, codes, and government documents were helpful in assessing the origins of the fifty-year rule. Internet sources, such as the National Register of Historic Places database, and statistics from the U.S. Census Bureau were very helpful in evaluating the fifty-year rule's impacts and issues. Much of the information on international historic registers came from non-profit organization's websites. Conference notes from the 1995 conference "Preserving the Recent Past" were used for the assessment of recent past resources. Advocacy bulletins and

newsletters from organizations such as Documentation and Conservation of building, sites, and neighborhoods of the Modern Movement (DOCOMOMO) and the Recent Past Preservation Network provided guidance regarding some of the issues ‘young’ resources face. Research was compiled over the course of a year before the thesis was written.

Hopefully this thesis, starting with the reevaluation of a small tenant of historic preservation, will open a discussion about commonly held views concerning what is historic, how we evaluate what is important, and how the profession of historic preservation can adapt to ensure our built environment is fully reflecting our cultural values.

CHAPTER I

THE FIFTY-YEAR RULE AND ITS ROLE IN PRESERVATION PRACTICE

The Origins of the Fifty-Year Rule

The Beginning: The Historic Sites Act, 1935-1941

In evaluating a rule system, it is of import to understand the impetus for the rule and its rationale. The statement that a resource must be at least fifty years old is not in the National Historic Preservation Act and therefore is not a 'rule' per se. The fifty-year *rule* derives from the National Register Bulletin 1 where it states “Ordinarily...properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register” unless they are “of exceptional importance.”¹ This statement is part of Criteria Consideration G, one of the eight exceptions to National Register listing. The 'Fifty-Year Rule' exists as an operational regulation. It is not unusual for federal agencies to adopt regulations as operational procedures for congressionally mandated programs. Thus “age” gives operational parameters to what may be perceived as the vague concept of ‘significance.’

Nevertheless, the consideration has become a rule for current preservation practice. Both professional and grassroots practitioners of preservation consider the idea of age an aspect of historic significance and few question the conventional wisdom. Historian John H. Sprinkle describes the need to look at the origins of the fifty-year rule as important for “understanding how Americans have constructed the chronological boundaries of a useable past through historic preservation during the 20th century.”²

1 National Park Service, *National Register Bulletin 1*, Washington DC: 1.

2 John Sprinkle, ““Of Exceptional Importance”: The Origins of the Fifty-Year Rule” in *Historic Preservation*,” *The Public Historian* 29, No. 2. (2007): 82

The fifty-year standard evolved out of the 1935 Historic Sites Act and in particular, the ensuing Historic Sites Survey (separate from the 1933 initiative the Historic American Buildings Survey (HABS)). This program was tasked with finding and evaluating significant historic resources that could be considered suitable for inclusion in the National Park System. The Historic Sites Act established an Advisory Board that was later incorporated into the National Historic Preservation Act, and laid the groundwork for the National Historic Landmarks program.³ “From the mid-1930s until the first National Historic Landmark was designated in 1960, the goal of the Historic Sites Survey was to identify sites and buildings that were nationally significant, that deserved protection, and that might be considered as additions to the National Park System.”⁴

The Historic Sites Act was a response to the sesquicentennial of the battle of Yorktown. At that time, park supervisors were focused wholly on the administration of a national park and were not prepared to interpret the battlefield to the thousands of anticipated visitors. Those managing Yorktown outlined requirements for historians to reach out to the public and become interpreters. Verne Chatelain, the first chief historian of the National Park Service (NPS), heeded the advice of Yorktown administrators and decided that a complete professional reorientation of NPS needed to take place.⁵ Chatelain worked under the belief that no park or monument “should be entirely free of historical activities,” and stated in a report to the associate director of NPS that “I think that the historical work of the National Park Service is dependent upon the acquisition of an historical mind by those who control its administration, or at least

3 Sprinkle, “Of Exceptional Importance,” 82.

4 Ibid.

5 Charles B. Hosmer Jr., *Preservation Comes of Age: From Williamsburg to the National Trust, 1926-1949, Volume I* (Charlottesville: University Press of Virginia, 1981), 927.

upon their willingness to leave the problem to the historically-minded”⁶ Chatelain's goal of imbuing park administration with history was realized in the passage of the Historic Sites Act, of which he was instrumental in drafting.

“This onward rush toward a balanced program designed by and for historians culminated in the appointment of an Advisory Board for the secretary of the interior that was intended to serve the main interests of the historical areas in the Park System.”⁷ Working under the mandate of the 1935 act, this advisory board took its duty seriously, historian Charles B. Hosmer states, “almost to the point of looking on themselves as guardians of the national culture.”⁸ It is this Advisory Board that molded concepts of historic significance for the Historic Sites Survey that would later serve as the underpinning for the National Historic Preservation Act and the guidelines for the listing practices of the National Register of Historic Places. Therefore, it is from the minutes of Advisory Board meetings that the origin of the fifty-year rule can be found.

The concept of official recognition for historic sites was new to the United States. The Advisory Board had the huge task of wading through the entirety of American history and creating basic guidelines for establishing significance within the Historic Sites Survey. Sprinkle states:

The 1935 Historic Sites Act raised expectations within the American Public and NPS was bombarded with congressional and official requests for site recognition. “To help structure this review work, NPS historians established a series of themes, conceived by them as “stages of American progress,” under which historic sites might be identified, categorized, and recognized. The program guidance from NPS headquarters said that the survey should be objective, covering all stages of American history and not subject to the surveyor’s particular interest. Accordingly, full attention must be given to the different periods, and no important period should be slighted or neglected because of the special field of interest of the surveyor.”⁹

6 Ibid, 297-298.

7 Ibid., 929.

8 Ibid.

9 Sprinkle, “Of Exceptional Importance,” 82.

Sprinkle goes on to state that while objectivity and comprehensiveness was clearly stated in the objectives of the survey, “the Historic Sites Survey adjusted the thematic framework to avoid controversy, or the perception of controversial issues.”¹⁰ In January, 1937 National Park Service field historians compiling initial lists of candidate sites were instructed: “For the present, no structure built after 1860 should be included for architectural reasons, although historical consideration may in some cases justify their inclusion.” A 1937 report by the “Committee on Historical Areas” noted, “In accordance with the recommendation of the Committee, the attached list omits all sites of contemporary or near contemporary nature which might lead to controversial questions.” Included on that list was the entire theme “Political and Military Affairs, 1865-1937” the rationale being “in view of the fact that matters involved...are pertinent to current or near current history, and therefore controversial, it will be inadvisable to act on this theme at the present time. In this way, the National Park service set a terminal date (1870) for consideration of historic sites.”¹¹ Because it was the first national survey of its kind, the National Park Service leadership chose to concentrate on the backlog of prominent, non-controversial sites for designation.

The Fifty-Year Rule after World War II

When the United States entered World War II the Historic Sites Survey was put on hiatus. It is not until after WWII that we can pick up the trail of the fifty-year rule again as the Historic Sites Survey was slowly revitalized. Beside the 1870 cut-off that had been instated for the Historic Sites Survey, the first inkling of an age rule was the twenty-five-year rule for nationally significant individuals. This rule was created during World War II and Advisory board minutes from that time state that “No consideration will be given to the national

¹⁰ Ibid, 83.

¹¹ Ibid, 84.

significance of the contribution performed by an individual for at least 25 years after the death of such a person. Such policy has been adopted to insure the proper historical perspective regarding the effect of such contribution upon our national heritage.”¹²

Political pressure and a desire to be objective appeared to have been the major issues in discussions about age. The Board experienced severe political pressure from President Franklin Delano Roosevelt concerning the designation of the Vanderbilt Mansion (1896-1898) in Hyde Park, New York. The mansion (designed by McKim, Mead, and White) was located near President Roosevelt's home and was to be sold to a slightly disreputable New York City evangelist. President Roosevelt encouraged the National Park Service to designate the mansion as “an excellent example of a phase of American life that is now past.” Even though some Congressmen doubted the historicity of an 1896 home, the designation was passed in 1940.¹³

After the questionable designation of the Vanderbilt Mansion, the convenience of an age rule became apparent when other politically influenced designations came to the Advisory Board. Chinsegut Hill, the Brooksville, Florida retirement home of social reformer, politician, and diplomat Raymond Robins (1873-1954) was of particular interest to Secretary of the Interior Harold Ickes. In 1945 he asked the Advisory Board to assess the eligibility of the property. The Advisory Board decided that the contributions of Robins did not merit national designation and wrote to Ickes diplomatically that it has “for several years declined to attempt to estimate the national significance of the lives and careers of citizens of the United States, unless they have been dead for at least twenty-five years. The Interim Committee feels that this is a wise practice and should be adhered to.”¹⁴ The twenty-five year rule attempted to gain historical perspective on the impact of an individual by waiting the length of time generally considered a generation of

12 Ibid, 85.

13 Sprinkle, “Of Exceptional Importance,” 88.

14 Ibid., 86.

a lifetime (the average interval of time between the birth of parents and the birth of their offspring). The fifty-year rule perhaps attempts the same, but the length of an 'architectural generation' within the lifespan of a building is much more subjective. Buildings do not have definitive 'deaths,' nor can a generation be differentiated relative to an offspring. There is continual development of the built environment and the lifespan of a building is largely dependent on the quality of materials, construction methods, design and intent of the architect, and outside factors such as demolition and natural disasters.

The fifty-year guideline was alluded to in 1948 in the *Report of the Committee on Standards and Surveys on Criteria to be used in Selecting Historic Sites and Buildings*, where it was noted that “structures or sites of recent historical importance relating to events or persons within the last fifty years will not, as a rule, be eligible for consideration under the standards.”¹⁵ It established historical significance as the most important indicator of significance and outlined four of the current seven aspects of integrity used by the National Register. The report's standards “including the exclusion for properties associated with recent history, were quickly adopted by the newly established National Trust for Historic Preservation.”¹⁶ The standards set out in the report structured the evaluation of properties considered for preservation and long-term management for both the Park Service and the National Trust, creating guidelines for a burgeoning professional field.

While the fifty-year rule had been alluded to and an age threshold used when deflecting political pressure, it wasn't until 1952 that the Advisory Board addressed an “inconsistency in policy of not considering any historical places, or event, later than 1870” and the provision “that no person shall be commemorated until at least 25 years following his death.”

15 Ibid.

16 David E. Finley, *History of the National Trust for Historic Preservation, 1947-1963*, Appendix 10.

The board resolved:

...that the Committee (Committee on Historical Problems) recommends that in lieu of the termination date of 1870, or the death of an individual for 25 years before his contributions are considered, the following criteria be adopted: Structure or sites of recent historical importance relating to events, or persons, within fifty years will not, as a rule be eligible for consideration.¹⁷

Evolving Notions of Significance

It is important to note that the impetus behind the Historic Sites Act was that of history.

It was a mandate to establish an historical framework for the nation's important sites. The act was not as concerned with craftsmanship or architectural import, rather designations were based on historically important individuals and events. But a shift in the concept of historical significance was on the horizon, Sprinkle explains:

From the late 1930s to the late 1950s, as the National Park Service established chronological boundaries for non-controversial history, the Advisory Board elaborated on the differences between properties significant for their association with nationally significant events or persons and properties significant in the history of architecture. The framers of the Historic Sites Survey thought that it was desirable “nevertheless to preserve outstanding examples of historical architecture even in some cases where important historical events have not occurred...if such examples are the best to be found.”¹⁸

As mentioned earlier, in the early days of the Historic Sites Survey field historians were told to ignore structures built after 1870 unless they were attached to an important historic event or person. This attitude coincided with that of the general public, whose appreciation for a site based on architectural merit was miniscule. To most, interesting and valuable architecture was equated with age, and thus history. After WWII, however, appreciation for American architecture grew. Charles Hosmer explains works about modern architecture, such as studies of Frank Lloyd Wright and Louis Sullivan, helped educate a populace “who had tended to believe

17 National Park Service, *Guidelines for Evaluating and Documenting Properties Associated with Significant Persons*, 12-14.

18 Sprinkle, “Of Exceptional Importance.” 86-87.

that buildings later than 1830 did not possess enough historical or architectural interest to be preserved.”¹⁹

The Advisory Board responded by entertaining designations for architectural import as well as historic import. This subtle inclusion of architectural significance resulted in a perceived change of focus. An episode with the Robie House (1907-1909), one of Frank Lloyd Wright's most important works and widely considered to be the epitome of Prairie architecture, is an example of this change. The Robie House (Figure 1) was threatened with demolition in 1957.



Figure 1: *The Robie House, Frank Lloyd Wright, Chicago, Illinois*

A member of the “Committee to Preserve the Robie House” wrote to the Secretary of Interior, pleading for designation of the building as a national monument. The building was forty-eight years old at the time, and popular architectural magazines and the architect himself lobbied for its preservation. The response from the Secretary of Interior was cautious, stating “Although we know very little about the Robie House, we share your concern that it is slated to be razed this summer.” The director of the National Park Service reasoned that the Historic Sites

¹⁹ Hosmer, 591.

Survey, which had been interrupted during World War II and had yet to be fully operational again, was not equipped to evaluate the Robie House. This was a weak excuse, precipitated by advice from the Chair of the Advisory Board, who wrote to the director “I hope the Secretary will take no precipitate action [on the request]”²⁰

It is unclear why the National Park Service was disinclined to designate the Robie House. By that time, Frank Lloyd Wright was widely regarded as America's foremost architect, and the Robie House's architectural merits had been widely sung. The facts that Frank Lloyd Wright was still alive during the request, or that the building was less than fifty years old could have been key issues.

One important reminder that the scenario brought to light was the original mandate of the Historic Sites Act – to designate buildings suitable for inclusion into the National Park Service as federally owned properties. It is reasonable that the National Park Service did not want to set the precedent of designating a building as an historic site that would most likely not be a National Park.

The shift in historic significance from pure history to include architectural history opened the idea of significance to a broader range of buildings and resources. Buildings (like the Robie House) that sparked local preservation efforts and had obvious architectural merit were significant structures, but did not have a place in the National Park Service. A new mechanism was needed to designate these buildings, without the promise of federal funds and regulations.

The National Historic Landmarks Program

This mechanism was the National Register of Historic Landmarks, sanctioned on October 9, 1960. Secretary of the Interior Fred A. Seaton explained, “Because of the number of

²⁰ Sprinkle, “Of Exceptional Importance,” 89.

important historic landmarks in our great nation, it is manifestly impossible for the government to acquire or manage these sites or support them financially, although they are an integral part of the American heritage. [The purpose of the program is to] give moral support and recognition to organizations now concerned with the preservation of archaeological and historic properties.”²¹ Part of this effort was aided by the 1944 Surplus Property Act, which allowed the transfer of federally controlled lands to states and other parties for the purpose of establishing historical monuments. The Act was amended in 1960 to allow the National Park System Advisory Board to evaluate if the surplus property was suitable for preservation.²² This amendment codified the fifty-year rule.

Be it enacted that by the Senate and House of Representatives of the United States of America in Congress assembled, That the last clause of section 12(h) (2) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1622 (h) (2)), is amended by striking out the words “it was acquired by the United States at any time subsequent to January 1, 1900”, and substituting the words “its historical significance relates to a period of time within the fifty years immediately preceding the determination of suitability and desirability for such use.”²³

According to Sprinkle, the legislative commentary on the bill stated that, “it seems probable that the basis for this limitation [the fifty-year rule] was the general criterion of the Advisory Board which provided that property relating to events of persons within 50 years would not ordinarily be considered as having historical significance.”²⁴ A letter from Assistant Secretary of the Interior, George W. Abbot, supporting the revised bill references the age restriction saying, “we believe this to be a well considered requirement because it is calculated to assure that, by an appropriate lapse of time, historic matters will be considered in their proper perspective...Historic significance is a rather intangible matter on which opinions may vary but

²¹ *Secretary Seaton Announces Plan to Register national Historic Sites*, NPS Press Release, October 9, 1960.

²² Sprinkle, “Of Exceptional Importance,” 91.

²³ Public Law 87-90. *Amending the Surplus Property Act of 1944 to Revise a Restriction on the Conveyance of Surplus Land for Historic-Monument Purposes.*

²⁴ Sprinkle, “Of Exceptional Importance,” 91.

we believe the best solution is to rely on a carefully selected advisory board composed of people who are specially trained for evaluating claims of historic significance.”²⁵

National Historic Landmark designation was very popular. With its broader scope, important architectural works such as the Robie House (which had managed to avoid demolition seven years earlier) and Louis Sullivan's Wainwright Building were designated National Historic Landmarks based solely on their architectural merit. Historic sites associated with presidents and a spate of 'recent past' sites associated with the nation's atomic heritage was also designated. In 1965, after designating around 650 National Historic Landmarks, the Advisory Board decided to revise the criteria used for National Historic Landmark designation. “In view of the changing complexion and increasing complexity of preservation needs, especially in urban areas, the Board believes that the administration criteria of national significance should be broadened and strengthened in such a manner as to enable the Department of the Interior more fully to meet its obligations under the Historic Sites Act.” Twelve “Criteria for Classification of Historic Sites, Buildings, and Objects” were decided upon, with Criterion 11 stating:

Structures, sites, and objects achieving historical importance within the past 50 years will not as a general rule be considered unless associated with persons or events of transcendent significance.²⁶

The criteria still exists in the National Historic Landmark designation process as criterion 65.4(b)

which reads:

Ordinarily, cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings and properties that have achieved significance within the past 50 years are not eligible for designation.²⁷

²⁵ Ibid.

²⁶ Ibid, 98.

²⁷ Code of Federal Regulations, Title 36, Volume 1, *Parks, Forests, and Public Property*, part 65, Sec. 65: 362.

Making way for the National Register of Historic Places

By the mid-1960s, it had become apparent to those at the Department of Interior that the preservation of historic sites was an entire realm of practice separate from the management of National Parks. In 1966 the National Historic Preservation Act was passed, and the practice of historic preservation was both transformed and legitimized. The act deemphasized individual sites of national importance, instead encouraging public and private partnerships that “provided the means for harmoniously blending the old and the new of all levels of significance in modern, functional use.”²⁸

The purpose of the National Register was to assist in the recognition of historic sites on the local and state levels. Unlike the National Historic Landmarks program, which strictly designated *national* landmarks, the National Register of Historic Places allowed sites to be designated as having local significance, state/regional significance, or national significance. The policy and practice of designation for the new register was based on the foundations laid by the National Park Service Advisory Board. In fact, “within five months of passage of the National Historic Preservation Act, the National Park Service had adopted the National Historic Landmark criteria as the basis for the National Register of Historic Places.”²⁹

Despite its criterion based on the 'old preservation' policy of the National Historic Landmarks program (being an extension of the Historic Sites Act) the National Register of Historic Places' mandate did allow the register to accommodate new property types. The inclusive and contextual 'new preservation' ushered in by the National Historic Preservation Act was focused more on representing the American experience as opposed to single sites of aesthetic pleasure. “So it is not surprising that the chronological boundaries of the program were

28 Public Law 89-665, *The National Historic Preservation Act of 1966*.

29 James A. Glass, *The Beginnings of a New National Historic Preservation Program, 1957-1969*, 23-27.

also stretched. Inclusiveness was geographic, topical, ethnic, and chronological.”³⁰ But these boundaries were still set in the past, and the fifty-year rule stands firm in Consideration G of the National Register of Historic Places.

Thus far the origins of preservation practice, how it has evolved, and how the fifty-year rule came into being has been explored (Table 1).

Table 1: Chronology of the Fifty-year Rule

| Date | Event Leading to the Fifty-Year Rule |
|-------------|---|
| 1935 | Historic Sites Act passed which included the Historic Sites Survey program. |
| 1937 | NPS field historians compile initial list of candidate historic sites and impose a cut-off date of 1860. |
| 1937 | A report by the Committee on Historic Areas sets a terminal date of 1870 for historic site consideration. |
| 1939-1945 | Historic Sites Survey put on hold during WWII |
| 1945 | Spate of politically influenced historic site designation recommendations. The twenty-five year rule used to gauge the historic significance of individuals is cited as a basis for a similar time gauge for historic sites. |
| 1948 | <i>Report of the Committee on Standards and Surveys on Criteria to be used in Selecting Historic Sites and Buildings</i> is published and states that properties under fifty-years of age will not be eligible for consideration. |
| 1952 | Advisory Board officially states that 1870 should no longer be the date for designation consideration, rather buildings fifty-years and older. |
| 1960 | Amendment to the Surplus Property Act codified the fifty-year rule when regulating the disbursement of surplus government property with potential historic significance. |
| 1960 | National Register of Historic Landmarks is created |
| 1965 | The Advisory Board sets out criteria for Landmark designation. These criteria include an exclusion for properties younger than fifty years. |
| 1966 | The National Historic Preservation Act is passed. The act tasks the Secretary of Interior to keep a national register of historic sites. The National Register of Historic Places is created and the criteria for this register include the fifty-year rule present in Consideration G of the criteria. |

The designation of historic sites by the National Park Service grew from a need to create an historical context for the interpretation of our country’s historically important places. From that, the Historic Sites Act of 1935 put into effect the means to identify and document important

30 Sprinkle, “Of Exceptional Importance,” 99.

historic sites throughout the country, with the intention of designating potential park sites. In an attempt to steer clear of controversy, and also because of the sheer number of buildings to survey, the Advisory Council imposed an age limit of 1870. This age limit morphed into the fifty-year rule, which took its cue from the popular twenty-five-year rule that cautioned against assessing an individual's historic significance until twenty-five years after his death. The fifty-year rule proved to have a two-fold purpose, that of staving off political pressure and allowing for historical perspective. As the evaluation and designation of historic properties became a more common practice, the concept of significance changed and grew, from sites of important events and people, to sites worthy of designation for architectural merit alone. The preservation field truly bloomed with the creation of the National Landmarks Program and its offshoot, the National Register of Historic Places. The fifty-year rule was carried over to the National Landmarks program, which set about to designate only sites of *national* import and then later to the National Register of Historic Places, a register that allows for designation of sites with local, state, or national import.

The National Register of Historic Places in Preservation Practice

The Criteria

It has been established that the fifty-year rule originated with the Historic Sites Act and the administration of the ensuing Historic Sites Survey. The fifty-year rule followed in the same vein as the twenty-five year rule for honoring significant people in American history. In effect, the holding period served two purposes, to curtail political pressures, and in doing so, gain the proper historic perspective on the significance of a person or building.

The fifty-year rule was further engrained in American historic preservation policy with the establishment of the National Register of Historic Places. This list set out standards and

guidelines for the nomination of properties. The successful nomination of a property hinges on a well-documented account of the significance of the property pertaining to at least one of four criteria. Eligible properties are those:

- A.** That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B.** That are associated with the lives of significant persons in our past; or
- C.** That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D.** That have yielded or may be likely to yield, information important in history or prehistory.³¹

There are exceptions to the eligibility of properties. “Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register.”³² However, a consideration for the fifty-year eligibility rule states that “A property achieving significance within the past 50 years [may be eligible] if it is of exceptional importance.”³³

Functions of the National Register

In a broad sense, the National Register serves two distinct functions. It is an honorary list of historic buildings, sites, structures, and properties that represent the architectural history of our built environment and it also acts as a standard for federal programs. The National Register of Historic Places provides the United States with an inventory of well-documented and researched

³¹ Shrimpton, *National Register Bulletin #15*. 3.

³² Ibid.

³³ Ibid.

historic properties, districts, sites, structures, and objects. The honor of being listed on the register can be used to bolster local tourism and maintain steady property values.

While the honorary nature of the register does not carry the weight of federal regulation, eligibility for the register does trigger a federal environmental review process and eligibility for federal tax credits.

Section 106

Section 106 of the National Historic Preservation Act reads:

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure., or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.³⁴

Section 106 of the National Historic Preservation Act puts into affect a federal review process whereby historic resources are taken into account when planning and executing a federal project. The term federal ‘undertaking’ is a broad term, and undertakings can include a wide range of federal activities such as: construction, rehabilitation, permits, loans, grants, and land transfers to name a few.³⁵ If any undertaking affects an historic property, the sponsoring agency is required to seek Council comments.

In terms of Section 106, the designation ‘historic’ means on the National Register or eligible for the National Register. The review process begins by identifying and evaluating any

³⁴ National Historic Preservation Act, Section 106, 16 U.S.C 470f

³⁵ United States Department of Veterans Affairs, Office of Construction and Facilities Management: Historic Preservation, available from http://www.va.gov/facmgt/historic/Sec_106_process.asp, Internet; accessed November 3, 2008.

historic properties that may be affected by the undertaking. Therefore properties are evaluated against the National Register criteria. If a historic property is present, the effect on that property is assessed. The Advisory Council delineates three determinations for effects; no effect, no adverse effect, and adverse effect. An adverse effect triggers consultation to mitigate any harm to historic properties or sites. This consultation is usually with the appropriate State Historic Preservation Office, but can also include local organizations and property owners.

Section 106 review encompasses a wide range of activities and is a major component of the preservation profession. Infrastructure and telecommunication projects are the most common causes for the environmental review process. These projects involve large amounts of land and historic preservation professionals are called in to evaluate whether properties are historic. The National Register, and its criterion, is a major determinate of the fate of many historic buildings and archaeological sites.

Federal Tax Incentives

Eligibility for the National Register plays a major role in another important historic preservation program. The Federal Historic Preservation Tax Incentives program is one of the most powerful and effective tools for rehabilitating historic structures. The twenty percent federal tax credit is offered to those who rehabilitate a historic structure for income-producing purposes. The success of this incentive; from job creation, to downtown revitalization, to providing low-income housing, has been widely extolled.

There are two major guidelines for qualifying for this substantial tax credit. The first is that the property must be a certified historic building, meaning either individually listed on the National Register or part of a designated National Register district. The second is that the rehabilitation must meet all ten of the *Secretary of Interior's Standards for Rehabilitation*.

Again it is demonstrated that the National Register's criteria and attitudes toward significance extend beyond being honorary. The National Register plays a major role in one of the major catalysts of historic preservation, the Federal Historic Preservation tax credit, and in a major environmental review process.

The Trickle-Down Effect: Preservation Planning and Survey and Documentation

The National Register affects preservation practice in both intentional and unintentional ways. The fifty-year rule can and has, in some cases, transitioned from being part of an honorary system with no regulatory power to a hard and fast law. The National Register pre-dates many local preservation efforts, therefore has greatly influenced the designation process for many local commissions. There are two aspects of planning in particular in which the fifty-year rule may move from conventional wisdom to policy: local preservation ordinances and surveying techniques.

Local preservation ordinances are the legal framework for any preservation work in a municipality. The ordinance defines, among other things, what is considered historic, how it is evaluated and designated, and the extent to which such properties can be regulated by the city government. Typically, the power to adopt an historic preservation ordinance is granted through state enabling legislation. In many cases, either part of the legislation or a byproduct of the legislation is a model historic preservation ordinance. Municipalities looking for guidance on their preservation ordinance can use this template to fashion their own law. It is often the case that municipalities simply adopt the model ordinance as their own in a 'fill-in-the-blank' fashion. Therefore, the model ordinance can heavily influence preservation at the local level.

Model ordinances by definition must be fairly general, and many adopt the National Register of Historic Places criteria for designation. Instead of creating an evaluation and designation process that is unique to the specific locality, many local preservation ordinances borrow heavily from the model ordinance and/or the National Register of Historic Places. Utah's model ordinance states plainly that building and sites under fifty years of age cannot be designated historic. The Oregon model ordinance is less explicit and adopts wording from the National Register. In Section VII, when stating the criteria for the Designated Landmarks Register, the model ordinance states; "the Commission must find that the historic resource is over fifty years of age or of extraordinary historic importance, and possesses sufficient historic integrity."³⁶

As seen, some local ordinances adopt the exact National Register criteria and exceptions for their preservation planning programs. Looking to the national standard for the evaluation of historic properties is not a particularly bad idea, but the difference between the National Register and a local ordinance is that the former is an honorary list of historic places, and the latter is a legal document. Adoption of the fifty-year rule into law basically ensures that no properties under the age of fifty will be locally designated and enjoy the protection an historic ordinance may offer.

The National Alliance for Preservation Commissions (NAPC), a non-profit organization committed to strengthening local preservation commissions through education, advocacy, and training addressed this issue at a 2006 conference.³⁷ A roundtable discussion titled Reconciling

³⁶ "Oregon Model Historic Preservation Ordinance," November 2, 1999.

³⁷ Forum, NAPCs annual conference was held in Baltimore, Maryland in 2007. The conference drew over 400 participants from all over the United States. National Alliance for Preservation Commissions, available from <http://www.uga.edu/napc/programs/napc/pdfs/forum2006/Final%20Roundtable%20Reports%202006.pdf>;

with the Recent Past identified a current challenge facing preservation commissions is a ‘lack of understanding of the fifty-year rule’ and that ‘some commissions impose inflexible age limits which prevent listing of resources younger than fifty-years old.’³⁸

A second planning tool affected by the fifty-year rule is architectural surveying. Once a preservation ordinance is enacted and a preservation commission is in place, architectural survey is the next step in preservation planning. A survey that inventories historic resources is a building block for individual and district designations. Surveying can be a long and arduous process. It requires surveyors in the field, evaluating each individual building for historic significance and National Register and/or local eligibility. The fifty-year rule allows surveyors to work within a particular timeframe, and ignore ‘young’ resources. In doing so, the surveyor can save time by minimally documenting large areas or types of buildings. “...Many government agencies, with downsized staff and diminished budgets, are struggling to protect earlier heritage and have been unable to develop programs focusing on more recent resources.”³⁹ Preservation programs with foresight often have surveyors identify resources that are forty years or older, but once completed, surveys are often left unattended, quickly becoming out of date. Technically, new resources should be added every few years as buildings or neighborhoods ‘ripen’ into historicity. This is one reason many municipalities are always playing ‘catch-up,’ only preserving places once they are threatened. This is particularly detrimental to resources on the cusp of being fifty years old and can create gaping holes in a communities’ architectural history. Preservationists Deborah Abele and Grady Gammage claim, “the signature architecture

Internet; accessed November 6, 2008.

³⁸ Ibid.

³⁹ Susan D. Bronson and Thomas C. Jester, “Conserving the Built Heritage of the Modern Era: Recent Developments and Ongoing Challenges”, *APT Bulletin* 28, No. 4, (1997): 4.

of the sixties has been almost erased from most communities. A number of specific building types have all but disappeared: early gas stations, drive-in movies, space-age style coffee shops and the first generation of Las Vegas casinos.”⁴⁰

The Fifty-Year Rule and the National Register

The influence of the National Register on broader trends in historic preservation has been discussed. To fully evaluate the effects of the fifty-year rule, we must look to the rationale of the rule, as stated in the National Register of Historic Place’s guidelines. The original intent of the rule has already been explored, but the current intent of the rule as practiced by the National Register as well as the interpretation of the rule beyond the National Register is the next piece in the puzzle of this evaluation.

National Register Bulletin 22, “Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Past Fifty Years” states the reason for an explicit quantitative standard:

As a general rule, properties that have achieved significance within the past 50 years are not eligible for National Register listing because the National Register is intrinsically a compilation of the Nation's **historic** resources that are worthy of preservation. The National Register does not include properties important solely for their contemporary impact and visibility, and it rarely is possible to evaluate historical impact, role, or relative value immediately after an event occurs or a building is constructed. The passage of time is necessary in order to apply the adjective "historic" and to ensure adequate perspective. To be a useful tool for public administration, the National Register cannot include properties of only transient value or interest. The passage of time allows our perceptions to be influenced by education, the judgment of previous decades, and the dispassion of distance. In nominating properties to the National Register, we should be settled in our belief that they will possess enduring value for their historical associations, appearance, or information potential.⁴¹

⁴⁰ National Park Service, “The Shifting Signposts of Significance”, available from www.nps.gov/history/hps/tps/recentpast/prparticle.htm, Internet; accessed June 8, 2008.

⁴¹ Sherfy, Marcella and Ray Luce, *National Register Bulletin 22: Guidelines for Evaluating and Nominating Properties that Have Achieved Significance within the Past Fifty Year*, Washington DC: National Park Service, i..

The idea of historical perspective has been a factor in the implementation of the fifty-year rule since its inception in the 1930s. While, from a literal standpoint, anything from the past is part of history, the Register defines 'historic' as being tempered by perspective gained from the passage of time. The amount of time necessary for perspective is arbitrary and the authors of the Guidelines admit that, "Fifty years is obviously not the only length of time that defines "historic" or makes an informed, dispassionate judgment possible. It was chosen as a reasonable, perhaps popularly understood span that makes professional evaluation of historical value feasible."⁴²

So, how accepting are the National Register of Historic Places historians to the inclusion of 'young' resources? "Statistically, since the mid-1970s, sites with historical associations within the last two generations (fifty years) have represented about three percent of the listing in the National Register."⁴³ With three percent of the listed properties on the National Register bucking the fifty-year rule, it may seem the fifty-year rule is not that much of a hurdle. It is impossible though, to know how many potential nominations have never been attempted due to the formidable task of proving 'exceptional importance.' Informal conversations with over twenty National Register coordinators from state historic preservation offices have shown that those working within the system are highly supportive of the fifty-year rule. Most State Historic Preservation Office (SHPO) employees who initially review nominations agree with the doctrine of the Register; that the fifty-year rule enables enough passage of time to make an unbiased decision. The fact that the number is arbitrary is of little concern, considering all cut-offs are inherently arbitrary. Of those who engaged in a conversation about the fifty-year rule, hardly any received nominations for 'young' properties in the past year. Only one SHPO officer expressed a belief that the fifty-year rule deters people from nominating properties that they might believe to

42 Shrimpton, *National Register Bulletin* #15.

43 Sprinkle, "Of Exception Importance," 102.

be significant. The general consensus was that Consideration G is utilized enough to ensure truly significant young resources are placed on the National Register.

Initially, the fifty-year rule looks unassuming as a tangential exception to an honorary process. When taking a closer look at the influence of the National Register of Historic Places on preservation policy and planning, however, it becomes apparent that the fifty-year rule has become a guiding principal for both laymen and professionals working in historic preservation. “Administratively, the fifty-year rule has functioned as an initial sieve through which potential historic properties must pass as part of the historic preservation compliance process.”⁴⁴ This chapter has revealed that the fifty-year rule seems to be functional within the auspices of the National Register of Historic Places and its idea that an age rule is the best approach to achieving historical perspective. This chapter has also revealed though, that the fifty-year rule has strayed from its current intent as interpreted by the National Register. The fifty-year rule has become an age cut-off in preservation ordinances and in some instances has shifted age from being a guide for historical perspective to being an evaluative process.

⁴⁴ Sprinkle, “Of Exceptional Importance,” 87

CHAPTER II

IS AGE AN ISSUE?

The origin of the fifty-year rule and its reach within preservation practice was explored in Chapter I. The next question to explore is whether this age rule is an issue for preservation practice. Does the fifty-year rule limit historic preservation? Has there been opposition to the fifty year rule? No organized movement to derail the fifty-year rule was found, but there have been some pointed responses to the fifty-year rule from architecture and preservation organizations indicating a trend toward other ideas about age and significance.

Responses to the Fifty-year Rule

AIA and DOCOMOMO

Organizations, professionals, and concerned citizens have attempted to call attention to significant resources that do not yet meet the standard age requirement. Those not working directly within the confines of the National Register are not as convinced of the efficacy of the rule. Documentation and Conservation of Building Sites and Neighborhoods of the Modern Movement (DOCOMOMO) and the American Institute of Architects (AIA) are two well-known organizations bucking the fifty-year tradition. Smaller planning offices and non-profits have also taken it upon themselves to actively seek out significant younger buildings and sites. Believing fifty years to be too old of an age requirement, organizations and states have compiled Twenty-Five-Year old lists of resources considered significant. Recognizing architecture that is at least

twenty-five years old shifts the emphasis from WWII architecture to architecture of the Modern Movement. DOCOMOMO has been a major force in educating people about the significance of the architecture of the Modern Movement. This movement often falls within the realm of a 'young' resource, or at the cusp of the age rule.

DOCOMOMO is an international organization with a strong American presence. There is a national chapter in the United States and ten local chapters spanning most regions of the country. DOCOMOMO describes itself as, "Committed to the principle that modern design merits the attention and preservation received by earlier periods, we maintain a continuous and constructive dialogue with national, state, and local preservation authorities and organizations as well as with building owners, developers, and designers in many disciplines."⁴⁵ DOCOMOMO has been at the fore front of documenting significant modern buildings and local chapters are very active in advocacy. Through book and journal publications, DOCOMOMO has been a guiding force in awareness and documentation of Modern Movement resources.

The American Institute of Architecture (AIA) has led the effort to celebrate younger and more modern architecture. On a national level, one of the prestigious awards this organization bestows is its Twenty-five Year Award. "This award, recognizing architectural design of enduring significance, is conferred on a project that has stood the test of time for 25 to 35 years. The project must have been designed by an architect licensed in the United States at the time of the project's completion."⁴⁶ Each year one architect's design is awarded the honor from his or her own peers within the AIA. The awards have only been in existence thirty-seven years and consist of a small subset of more recent architecture. A look at awardees in past years and their status on the National Register of Historic Places allows a small amount of insight into whether

⁴⁵ DOCOMOMO; available from <http://www.docomomo-us.org/about>; Internet; accessed June 9, 2008.

⁴⁶ American Institute of Architects; available from http://www.aia.org/awp_25year; Internet; accessed June 8, 2008.

the fifty- year rule is effective in terms of allowing young resources of ‘exceptional importance’ on the Register. Once again, the list contains only one building of significance per year, therefore represents a miniscule portion of the architecture that may be significant, but does not meet the National Register age requirement. Furthermore, it cannot be determined whether all buildings on the list have attempted nomination.

Table 2: AIA Twenty-five Year Awardees and Status on National Register⁴⁷

| Resource Name | Architect | Year Built | Year Awarded | National Register Status |
|--|----------------------------|--------------|--------------|--------------------------------|
| Crow Island School Winnetka, IL | Eliel Saarinen | 1939 to 1940 | 1971 | Listed 1989, at 50 year old |
| Baldwin Hills Village, Los Angeles, CA | Reginald D. Johnson | 1932 | 1972 | Listed 1993, at 61 years old |
| Taliesin West, Paradise Valley, AZ | Frank Lloyd Wright | 1937 | 1973 | Listed 1974 at 37 years old |
| Johnson Wax Building, Racine, WI | Frank Lloyd Wright | 1936-39 | 1974 | Listed in 1974 at 35 |
| Johnson House, "The Glass House" New Caanan, CT | Philip Johnson | 1949 | 1975 | Listed in 1997 at 48 |
| 860-880 North Lake Shore Apartments, Chicago, IL | Mies Van der Rohe | 1949 | 1976 | Listed in 1980 at 31 years old |
| Christ Lutheran Church, Minneapolis, MN | Eliel Saarinen | 1949 | 1977 | Listed in 2001 at 52 years old |
| Eames House Pacific Palisades, CA | Charles Eames | 1945-1949 | 1978 | Listed 2006, at 57 |
| Yale University Art Gallery, New Haven, CT | Skidmore, Owings & Merrill | 1973-77 | 1979 | Not listed |
| Lever House, New York, NY | Gordon Bunshaft/ SOM | 1950-52 | 1980 | Listed 1983 at 31 |
| Farnsworth House Plano, IL | Ludwig Mies van der Rohe | 1946-50 | 1981 | Listed 2004, at 54 |
| Equitable Building Portland, OR | Pietro Belluschi | 1944-48 | 1982 | Listed in 1976 at 28 |
| The Price Tower, Bartlesville, OK | Frank Lloyd Wright | 1952-1956 | 1983 | Listed 1974 at 18 years old |
| Seagram Building, New York, NY | Mies Van der Rohe | 1954-1958 | 1984 | Listed 2007 at 49 years old |
| General Motors Technical Center, Warren, MI | Eero Saarinen | 1949 | 1985 | Listed 2000 at 51 |
| Guggenheim Museum New York, NY | Frank Lloyd Wright | 1956-59 | 1986 | Listed 2005 at 46 |

⁴⁷ Ibid.

| | | | | |
|---|--|---------------|------|--|
| Bavinger House, Norman, OK | Bruce Goff | 1950 to 1955 | 1987 | Listed 2001 at 46 |
| Dulles Airport Chantilly, VA | Eero Saarinen | 1958 to 1962. | 1988 | Not listed |
| Vanna Venturi House, Chestnut Hill, PA | Robert Venturi | 1964 | 1989 | Not listed |
| Gateway Arch St Louis, MA | Eero Saarinen | 1961-66 | 1990 | Listed 1987 at 21 |
| Sea Ranch Condominium I, The Sea Ranch, CA | Moore Lyndon Turnbull Whitaker | 1964-1965 | 1991 | Listed 1987 at 22 years old |
| The Salk Institute, La Jolla, CA | Louis I. Kahn | 1959-66 | 1992 | Not listed |
| John Deere and Company, Moline, IL | Eero Saarinen | 1963 | 1993 | Not listed |
| The Haystack Mountain School of Crafts, Deer Isle, ME | Edward Larrabee Barnes | 1969 | 1994 | Listed 2005 at 36 years old |
| Ford Foundation Building, New York, NY | Roche-Dinkeloo | 1963-68 | 1995 | Not listed |
| Air Force Academy Chapel, Colorado Springs, CO | Walter Netsch/SOM | 1956 to 1962 | 1996 | Not listed |
| Exeter Library, Exeter, NH | Louis I. Kahn | 1967-72 | 1997 | Not listed, |
| Kimbell Museum, Fort Worth, TX | Louis I. Khan | 1967-72 | 1998 | Not listed |
| John Hancock Center Chicago, IL | Bruce Graham/Skidmore, Owens & Merrill | 1970 | 1999 | Not listed |
| The Smith House, Darien, CT | Richard Meier & Partners | 1965-1967 | 2000 | Not listed |
| Weyerhaeuser Headquarters, Federal Way, WA | Skidmore, Owings & Merrill | 1971 | 2001 | Not listed |
| Fundacio Joan Miro, Barcelona, Spain | Sert Jackson and Associates | 1975 | 2002 | Not Applicable |
| Design Research Headquarters Building, Cambridge, MA | BTA Architects | 1969 | 2003 | Not listed |
| East Wing, National Gallery, Washington, DC | I.M. Pei | 1974-78 | 2004 | Not listed |
| Yale Center for British Art, New Haven, CT | Louis I. Kahn | 1973-77 | 2005 | Not listed |
| Thorncrown Chapel, Eureka Springs, AK | E. Fay Jones | 1980 | 2006 | Not listed |
| Vietnam Veterans Memorial, Washington, DC | Maya Lin | 1982 | 2007 | Administratively listed in 1982 as part of the National Park Service |
| The Atheneum, New Harmony, IN | Richard Meier & Partners | 1979 | 2008 | Not listed |

Of these buildings, considered outstanding representations of architecture by the country's leading architects, twenty are currently on the National Register. Thirteen of the twenty listed buildings were listed on the National Register before the age of fifty. Of these thirteen, four buildings are by Frank Lloyd Wright, arguably the country's most famous architect and the man credited with the birth of uniquely American architecture. It is unknown whether the properties not on the Register have been denied listing, or whether a nomination has been attempted. The fact that none of these buildings have been demolished and a majority of them are listed on the National Register illustrates that the fifty-year rule is fulfilling its purpose: buildings of exceptional importance (this list is an example of architectural importance) are listed before they turn fifty years old if nominated at a young age.

Works by noted architects Frank Lloyd Wright, Eero Saarinen, or Ludwig Mies van der Rohe, as well as buildings that are critically accepted typically remain standing long enough to be listed under the regular guidelines of the register. Yet, this list also illustrates how potentially daunting the task is of proving 'exceptional importance' for Consideration G of the National Register. Most of the buildings on the AIA Twenty-five Year Awards list (buildings that are nationally recognized as being integral parts of American architectural history by both architects and architectural historians) do not attempt listing before they 'come of age' despite accolades and recognition. If there is a perception that such buildings are the standard for 'exceptional importance' it is possible that 'young' resources that are significant on the local level are being overlooked due to the formidable task of bucking the fifty-year rule.

Similar to DOCOMOMO in organizational structure, there are local chapters of the American Institute of Architects. Some of these chapters are particularly active in preserving

significant, but more recent, architecture. For example, the Philadelphia chapter of AIA published a list of significant buildings built in the last twenty-five to thirty-five years in the journal *Philadelphia Architect*.⁴⁸

Endangered Properties Lists

Another indicator of dissatisfaction with the fifty-year rule is the number of ‘young’ resources on state’s Most Endangered Properties List. A Most Endangered Properties List has become a popular way for preservation organizations or planning departments to raise awareness about properties particularly susceptible to demolition or extensive change. With age often being the justification for the demolition of sites just under the fifty-year rule, many significant young sites are finding their way to these highly publicized lists. The Minnesota Preservation Alliance’s 2008 Most Endangered Properties List included Peavey Plaza in Minneapolis, a 1975 landscape design that is considered a landmark of Modern design.⁴⁹ The Washington Trust for Historic Preservation has included an important site from the nuclear age on their Endangered Properties List. The Nuclear Reactor Building, built in 1961 on the University of Washington campus, is significant in both design and its association with major scientific breakthroughs.⁵⁰ Another state that struggles with the restrictions of the fifty-year rule is Nevada. Mid-Century motor courts hold a place on the state’s 2008 Most Endangered Places List.⁵¹ Nevada cities such as Las Vegas and Reno derive strong local identity from the flash and exuberance of mid-century vernacular commercial architecture. This era of architecture is a significant part of those cities

⁴⁸ Philadelphia Chapter of the American Institute of Architects, “25 Year List”; available from <http://www.brynmawr.edu/iconog/modern.html>; Internet; accessed June 9, 2008.

⁴⁹ Minnesota Preservation; “Minnesota’s Most Endangered Properties List” available from <http://www.mnpreservation.org/programs/ten-most-endangered/>; Internet; accessed June 9, 2008.

⁵⁰ The Washington Trust, “Most Endangered Properties List”; available from http://www.wa-trust.org/mostendangered/current_list.htm; Internet; accessed June 9, 2008.

⁵¹ Classic Las Vegas, “11 Most Endangered Historic Sites in Nevada”; at <http://classiclasvegas.squarespace.com/classic-las-vegas-blog/2008/5/22/11-most-endangered-historic-sites-in-nevada.html>; Internet; accessed June 9, 2008.

history and the state has had to be diligent about preserving these vestiges of its past despite much of its significant architecture not being ‘of age.’

Limitations to Age as an Evaluator

The fact that local and national organizations are making efforts to raise awareness for ‘young’ resources benefits the quest to preserve truly significant resources. It also suggests that there are those who do not follow the axiom of the fifty-year rule. If, in fact, fifty years triggers ‘historic’ status, there are resources and trends that are problematic for that length of time and for the confines of age in general.

Age and the Modern Movement

One issue surrounding age is the assumption that designers and architects always build things to last. If a building has been built with the intention of remaining for the next one hundred years, by means of quality materials and craftsmanship, then (barring any outright demolition or natural disaster) there is a fairly good chance that the building will remain. The hardy nature of building prior to the 1940s ensured that many buildings remained in the landscape through sheer persistence. Many of these buildings were then recognized as important parts of our architectural and cultural heritage and were preserved. Design philosophy took a dramatic turn in the 20th century with the advent of the Modernism. The Modern Movement began in the early 20th century, but the time period most often associated with Modern architecture is 1938-1975 making about half of the resources from this architectural time period are over fifty years of age. Function became the driving force behind design as new technology and materials led to sleek, stark buildings designed to streamline architecture into pure form. Wessel DeJonge explains:

The pioneers of the Modern Movement considered a building's right to exist not to be determined by its history, but by its usefulness. If a building would lose its function some day, in their view it should either be fully adapted to a new use or be demolished. To them, the idea of preservation was totally irrelevant or even contrary to the conceptions of the Modern Movement as regards the use, time and form of its products. By deciding in favor of conservation of their building, we act against their principles at the same time.⁵²

A conundrum is presented as the preservationist asks: How do I preserve that which was built to decay? Furthermore, if a building's life cycle is thirty to forty years, can preservationists afford to wait the allotted fifty years and chance losing an important chapter in our architectural history? Should age evaluations take into account design philosophy instead of using a blanket time frame?

Various professionals in the field express these philosophical and technical concerns. When discussing preservation of the recent past Susan Bronston and Thomas Juster make the comment that, "...Many of the resources of the Modern era were designed for a shorter lifespan than their earlier counterparts, and their conservation raises complex philosophical and technical questions of authenticity and sustainability."⁵³

The transitory link between use and design is expressed in the building materials of the Modern Movement. While framing techniques using steel and concrete are sound, exterior materials such as plate glass, aluminum, synthetic plastics, and concrete stucco, are not as long lasting or easily maintained as older finishes. By the time a Modern Movement building comes of age, it is often in dire need of repair, or has already undergone transformations that call its integrity into doubt. This then raises the questions concerning authenticity and conservation practice currently being discussed in the preservation world.

⁵² DeJong, Wessel. *Preserving the Recent Past*, IV-7.

⁵³ Bronston and Juster, 4.

Charles Knack, who has studied the case of the Hyde Park Kenwood housing project in Chicago (a mid-century housing development set in the midst of late 19th and early 20th century buildings) says it well when stating: "...while the life-cycle of buildings seems to be getting shorter, our historic preservation laws have not changed to reflect that fact. With few exceptions, the National Register of Historic Places imposes a 50-year cut-off, yet many endangered modern landmarks – including some that are in renewal projects like Hyde Park Kenwood are less than that, and they're not getting much respect."⁵⁴

The Modern Movement presents, arguably, one of architecture's most substantial ideological shifts. For the first time, historic preservationist must consider the paradox in preserving buildings that are not meant to be preserved. As one aim of historic preservation is to save buildings in order to maintain an historical record of our nation's architectural history, it is doubtful that preservationists would accept letting significant buildings decay or be demolished. The age rule ignores these significant changes in the nature of historic resources. In keeping the fifty-year rule as a tool for the administration of preservation policy, the field risks losing an entire generation of architectural history.

A more problematic consideration of preserving postwar resources deals with the issue of age. Historically, the antiquity of a resource has been a rally cry for its preservation. But if we wait for many post war resources to become "antiques", they likely will not still be around...Even though the fifty-year rule is professionally accepted, it is not what is commonly thought of as historic by the larger community. Many people are unwilling to acknowledge that anything that happened in their lifetime could be historic. Efforts to preserve something that community leaders "can remember being built" are easily dismissed as frivolous or misdirected. Given these circumstances, it is critically important to develop more sophisticated ways to communicate the importance of these resources, as many people will not equate them with the historic resources with which they are familiar.⁵⁵

⁵⁴ Knack, *Preserving the Recent Past*, II-162.

^{1b} Ibid.

The fact that a building is fragile or impermanent does not make it any more significant than a more robust building. If anything, a look at the challenges of preserving Modern Movement resources reveals a need for flexibility when using age as an evaluative tool. A blanket rule that covers all historic resources, regardless of design intent or building construction, has the potential to hinder the preservation of this era.

The Cultural Landscape

Naturally, those devising the framework for the field of historic preservation could not predict how the field would evolve. The origin of American historic preservation is rooted firmly in buildings. From the quest to save Mount Vernon to the Historic Architectural Buildings Survey, preservation is founded in buildings as objects. However, since the 1980s, a new type of cultural resource has emerged as being an important and integral part of our understanding of the built environment. Landscapes, and human involvement in forming and changing landscapes, are a study that seeks to contextualize human history within its environs. This study is referred to as the study of cultural landscapes.

As the study of cultural landscapes emerged the resource had to carve out a niche in a framework geared toward only one type of resource. “Architectural preservation has often limited itself by a focus on buildings as architectural objects. Neither the city, as a human creation, nor the natural landscape has easily been accommodated within it.”⁵⁶ Landscapes are fundamentally dynamic biotic systems subject to continuous change; they are processes as opposed to products (unlike buildings). Terminology used in the National Register of Historic places, such as *integrity* and *period of significance*, is a fundamental aspect of determining the significance of a building. These concepts may be difficult to translate to landscapes. The

⁵⁶ Arnold Alanen and Robert Melnick, ed., *Preserving the Cultural Landscape* (Baltimore: Johns Hopkins University Press, 2000), viii.

National Park Service has made a concerted effort to try and marry the evaluation of cultural landscapes with the National Register criteria. Two bulletins, #18: *Guidelines for Evaluating and Documenting Rural Historic Landscapes* and #30: *How to Evaluate and Nominate Designed Historic Landscapes* go to great length to explain how a landscape can be evaluated for proper integrity and historic significance.

The first landscapes to be placed on the National Register of Historic Places were formal landscapes designed by famous landscape architects. Central Park is an example of an historic landscape that was easily eligible for the National Register. “The vast majority of cultural landscapes, however, have developed without the direct involvement of a professional designer, planner, or engineer. These vernacular landscapes, which generally evolve unintentionally and represent multiple layers of time and cultural activity, are fundamental to our very existence.”⁵⁷

Recognizing vernacular cultural landscapes to be an important historic resource, and realizing that a concept like a period of significance is not completely applicable to a resource that relies on an evolutionary process to explain its significance, the National Register tried to broaden some of its definitions in order to accommodate cultural landscapes. The ‘period of significance’ definition changed in National Register Bulletin 30 (1990). The concept was expanded to allow for more ‘layers’ of history. Also, ‘historic integrity’ was broadened to “a measure of a property’s evolution and current condition.” However, Arnold Alanen and Robert Melnick note that:

Although emphasis was now on continuity over time, an awkward accommodation had to be made to the requirement of a distinct break between past and present time; if the continuity in land use and in the character of the landscape extends even to the present day, it is recommended that “50 years ago may be used for the period of significance if a more specific date cannot be identified.” Such a decision would, in effect, freeze time arbitrarily at a point fifty years before the site’s nomination to the National Register.⁵⁸

⁵⁷ Ibid, 5.

⁵⁸ Ibid, 191.

Landscapes have elements that are unquantifiable. When assessing the process of human and natural interaction, it is counter-intuitive to relegate fifty years as the time that the process simply stops and is actually contrary to the very nature of the resource.

Cultural Landscapes are a relatively new type of historic resource, one that was not within the realm of cultural resource management in the 1930s, when the fifty-year rule originated, or in 1966, when the National Historic Preservation Act laid the legal framework for the National Register of Historic Places. The frustration of landscape scholars is palpable when writing of the difficulties of nominating cultural landscapes (in particular vernacular landscapes) to the National Register. The cultural landscape as an historic resource is currently the square peg trying to fit into the round hole of National Register criteria and its concepts of significance. As the practice of historic preservation has evolved, as people have come to a bigger, more holistic understanding of culture, the built environment, and nature; the practice of historic preservation in regards to the National Register has stayed exactly the same. This is not to say that landscapes are not devoid of history. The historic context of these landscapes is imperative to understanding the rich interplay between humans and the natural environment. Landscapes should not be looked at in a vacuum, rather, as in the discussion of Modern Movement architecture, age need not be a rule, rather a guideline.

Teardowns and Increased Development

A third aspect affecting historic preservation is current housing trends. Two aspects in particular, the rising average size of a single-family house and the increase in the construction of new housing are of particular concern. Both of these trends have resulted in ‘teardowns’ a national epidemic that razes smaller and often older homes to make way for large ‘McMansions’ or ‘GarageMahals.’”

The National Trust for Historic Preservation has been keenly aware of this trend. In 2002 the Trust put ‘Teardowns in Historic Neighborhoods’ on its 11 Most Endangered Places List. Teardowns are concentrated in high-income suburbs not far from major metropolitan areas. The desire for ‘bigger and better’ drives the market for buying a home only to tear it down and build anew. The average American single-family house has more than doubled in size since the 1950s. Figure 2 illustrates the dramatic change in concepts of space and size.

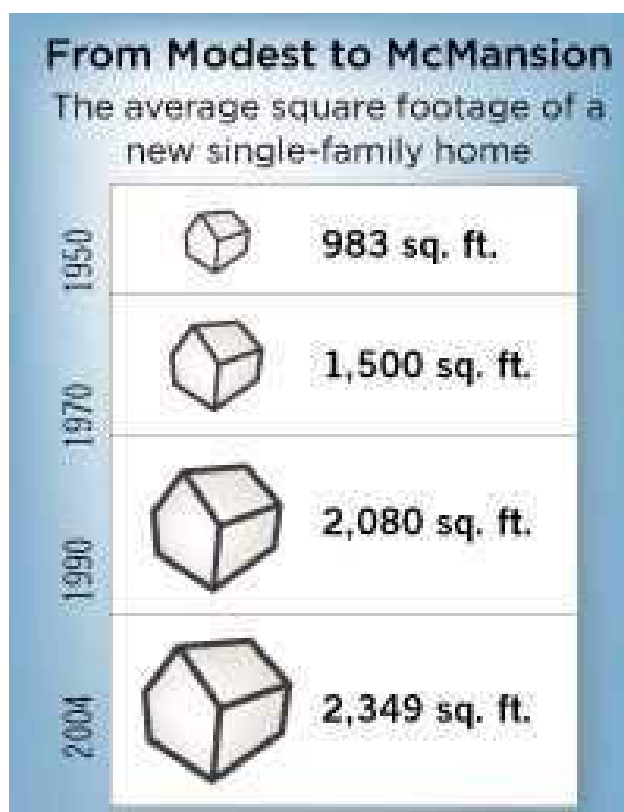


Figure 2: *National Association of Home Builders (Housing Facts, Figures and Trends for March 2006)*

The desire for more space partnered with the limited amount of raw land means more pressure on structures that are already built, but are not meeting modern housing demands. A look at issued housing permits from the U.S. Census Bureau shows that new residential construction has been steadily increasing since the 1960s, and has increased significantly since

2000.⁵⁹ Figure 3 is a graph charting the average number of permits of each decade. 2000-2007 is not a full decade, but it is apparent that housing development has been high in recent years.

In 2002, the National Trust for Historic Preservation identified 100 communities in 20 states that were experiencing teardowns in historic neighborhoods. In May 2006 the National Trust then identified 300 communities in 33 states. By March, 2008, that number is climbing fast with the National Trust for Historic Preservation now documenting over 500 communities in 40 states.”⁶⁰

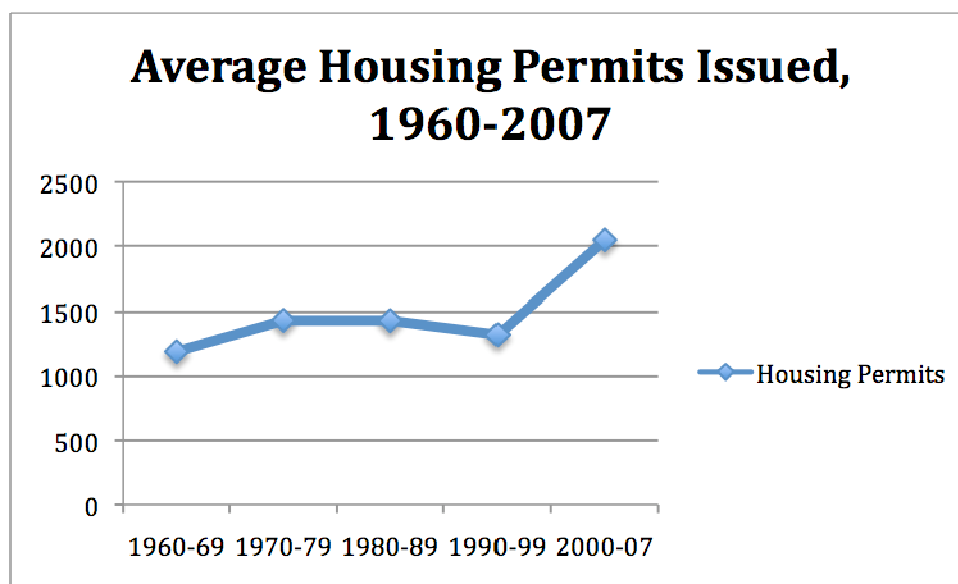


Figure 3: Data from the U.S. Census Bureau

Figure 4 is a map of the states experiencing the most teardowns. While not all teardowns take place in historic neighborhoods, the attitude that homes are expendable is disconcerting. Despite a teardown often compromising the aesthetic integrity of a neighborhood, neighbors allow the practice to happen knowing the option increases their land value.

⁵⁹ United States Census Bureau, “New Privately Owned Housing Units Authorized by Building Permits.” Available at <http://www.census.gov/const/bpann.pdf>; Internet; accessed June 12, 2008.

⁶⁰ The National Trust for Historic Preservation, http://www.preservationnation.org/issues/teardowns/additional-resources/teardowns_states_and_communities.pdf, Internet; accessed June 12, 2008.

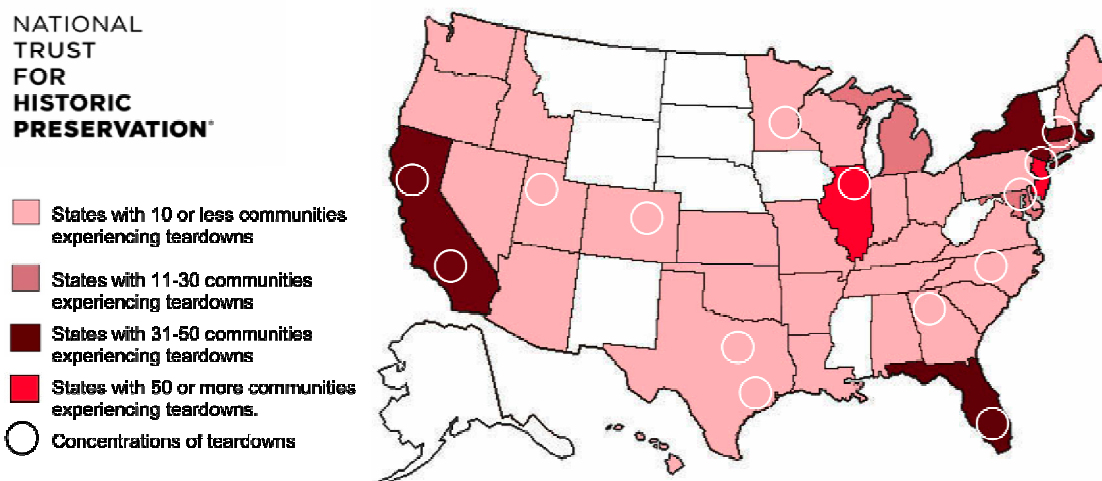


Figure 4: *Teardowns by State*

With new housing being built more rapidly and more homes being demolished to accommodate new concepts of livable space, the question begs whether historic preservation can afford to wait fifty years for designation?

If any city can understand the pressures of development, it is New York City. With the highest land values in the country, there is extreme economic pressure for all land to be built to its highest and best use. Lawyer Tom Loflin, in reference to New York's preservation policy states:

The pressures for destruction of historic buildings are most pronounced in urban areas. Such structures typically do not exhaust the building potential of their location and often are designed for uses different from those of neighboring buildings. As urban concentration increases, the demands for new housing and commercial space become more incessant. These demands are not likely to be ignored by a city government, which has needs that could be satisfied by the increased tax revenue that would be generated by new private development. These demands for development sharpen the debate over whether the value of historic preservation outweighs the limitations that it places on urban growth.⁶¹

⁶¹ John J. Loflin, J. Lee Rankin, Norman Marcus, Harmon H. Goldstone, "Historic Preservation in the American City: A New York Case Study," *Law and Contemporary Problems* 36, No. 3 (Summer, 1971), 362.

Fortunately, New York has made accommodations for its particular real estate market. In the New York Landmarks Law states that a property be at least *thirty* years old in order to be considered for landmark designation. A shorter time limit helps ensure significant buildings last long enough to gain historic perspective.

Preservation advocate and former Phoenix Historic Preservation Officer Deborah Abele makes a poignant statement when she writes:

Fifty years of age has been a very useful filter in the past. If a resource did not make it to that threshold, it probably had genuine physical limitations to its preservation, was not threatened, or was something not enough people cared about to save. Today, however, change occurs at an ever-increasing rate. We cycle through building types, urban form, architectural styles and trends at an accelerating speed. With the technological capacity to build quickly and at greater scale, the process of demolition and rebuilding threatens larger groups of resources, even before the fifty-year age is approached. This has been notably demonstrated already.⁶²

Today's preservationist is not working in the same context as the preservationist of the 1960s. New issues and challenges exist that question the concept of age in our evaluation of significance. The fifty-year rule enters a gray area as preservationists must deal with materials and architectural philosophies contrary to traditional ideas of age and conservation and development pressures never before experienced. These issues demonstrate the need to truly question whether fifty years, or any age limit, is appropriate for evaluating historic resources.

⁶² Abele and Gammage.

CHAPTER III

EVALUATING THE AGE RULE AND FINDING ALTERNATIVES

Benefits and Liabilities of Age

Thus far, an exploration of the fifty-year rule has unveiled both benefits and liabilities to Consideration G and its role in historic preservation. These are summarized in figure 5:

Table 3: Weighing the Age Rule

| Benefits of Age Rule | Liabilities of Age Rule |
|---|---|
| Provides Historical Perspective | Potentially limits historic designation and deters the nomination of properties younger than fifty years old barring exceptional importance |
| Aids with the understanding and legitimacy of historic preservation | Inappropriate evaluative tool for some types of historic resources |
| Assists in administration of historic resource nomination and designation process. | Adds to the risk of losing potentially significant buildings to teardowns and rapid development where local controls are not adequate |
| Helps define identification and documentation parameters for survey and environmental review. | Creates a cut-off between present and past. |

Benefits of the Fifty-Year Rule

The fifty-year rule continues, with little criticism, because it has been an asset to historic preservation practice. The National Register is a Register of *historic* places and such an honor should not be bestowed on a fad or a passing fancy. Historical perspective is necessary therefore time must pass in order to truly decide whether a building or site will ‘stand the test of time.’

Some passage of time is necessary to give that perspective clear focus so that, among other things, the salient factors contributing to the subject under examination can be identified and the subject itself can be considered with a sense of detachment.⁶³

Fifty years delineates the present from the past from an historic resources standpoint. Such delineation has helped preservation become more palatable to the public and to state and local governments. While preservation has shown time and time again that people will rally around individual buildings they find significant, the fifty-year rule has helped the public understand preservation in a broader context: as both an ideology and a city planning tool.

Along these lines, the fifty-year rule has helped the administration of historic preservation. State and local offices are often understaffed and under-funded, and non-profit organizations rely on donations and grants. For those involved in historic preservation an age filter (which limits the number of eligible properties) is easier to regulate and govern. Furthermore, federal compliance laws such as Section 106 of the National Historic Preservation Act must take into account effects on historic properties before a federal undertaking is underway. Once again, the fifty-year rule, by limiting eligible properties, makes a bureaucratic process easier, faster, and more accepted.

The fifty-year rule has a long tradition in preservation practice and has done its duty in many ways. It cannot be argued that the fifty-year rule completely excludes young resources. The AIA Twenty-five year awards illustrate that buildings deemed 'exceptional' by the country's architectural community are, in fact, on the National Register. With three percent of nominated properties being 'young,' there is certainly a presence of such resources on the Register. For all intents and purposes, Consideration G is a sieve that *does* allow truly significant buildings to be listed on the National Register. Are the liabilities of the rule great enough to warrant serious changes in preservation practice?

⁶³ Sherfy and Luce, 13.

Liabilities of the Fifty-Year Rule

The fifty-year rule reflects preservation philosophy from the 1930s, a time when antiquity and artifact was the basis for evaluation of significance. Earliest preservation efforts were focused on the associative value of the building (what noted historical figure was associated with the site), but in the early years of the 20th century, buildings were being recognized for their physical qualities as well. One of the forefathers of historic preservation, William Sumner Appleton, and his organization the Society to Preserve New England Antiquities (SPNEA) greatly advanced the idea that a building can be important for its architecture alone:

Advanced by noted antiquarian, William Sumner Appleton, as well as other collectors and related professionals, this work [of SPNEA] essentially sought to preserve buildings as artifacts, important because they represented distinctive building periods, stylistic treatments or the work of masters. Given the affinity for antiques by this group of preservationists, it is not surprising that a highly prized quality was the age of a structure.⁶⁴

Preservation philosophy has changed dramatically, and now new resources, both tangible and intangible are being recognized as significant. Some of these resources, such as cultural landscapes, are not static resources and thus do not adhere well to age restrictions. Resources that derive their significance through an evolutionary process should not be yanked from their context and pigeonholed into preconceived notions of age and significance.

Due to the nature of modern building materials, age alone no longer differentiates in meaningful ways a building built in the present from one before the fifty-year threshold. Furthermore, some buildings of the 20th century have not been designed or built to last beyond a relatively short amount of time. Some of these resources were not intended to last long enough to gain the historical perspective needed for critical analysis. Fixating on an arbitrary age may mean that entire pieces of our architectural history are at risk. Richard Longstreth writes:

⁹⁴ Abele and Gammage.

The imperative to shed the age bias is the greater because so much of our heritage, which is not very old, is fast disappearing. Entire chapters that are of great importance to understanding the past are threatened, especially where the pressure for more intense development exists. The process of lateral expansion, which was a major thrust in urban development for much of the 20th century, continues, but it is now often matched by much denser growth, forming multi-nodal networks that encompass both new and long-established areas. Thus for large cities, at least, the tendency for old quarters to be bypassed by contemporary building, and therefore remain long enough to become appreciated anew, is being usurped... As a result, one can no longer assume that the places created by our parents' or grandparents' generation are going to stand relatively undisturbed for a considerable length of time.⁶⁵

Longstreth touches on another issue with the age rule – development. Chapter 2 discussed how increased demand for more housing and for bigger houses has led to teardowns, especially in older neighborhoods. Places accustomed to huge development pressures, such as New York City, have dealt with the issue with a shorter age rule. Technology has made it much easier to tear down and built fast, and these changes should be reflected in preservation policy.

One of the more theoretical and honestly, unanswerable, questions about the fifty-year rule is how many buildings have been overlooked because of being dismissed as 'too young.' Even though such data cannot be collected, having a cut-off date for being 'historic' inevitably leads to buildings being lost because of their age. This is not to say that all these buildings would have been considered significant or of exceptional importance, but there is an inherent risk that the National Register has assumed by stating this cut-off.

Obtaining Historical Perspective

The primary rationale behind the fifty-year rule, the need for historical perspective, deserves to be discussed. Historic preservation is often posited as preserving a 'sense of place.' It stands to reason that preservationists see this sense as being derived from a visual link between past and present, from continuity in our built environment that allows communities to see what

95 Longstreth, Richard, "The Significance of the Recent Past," *APT Bulletin* 23, No. 2, (1991): 17.

has been accomplished, and what is still being accomplished. If this continuity is a vital part of our field, the question one must ask is: Where does one draw the line between past and present? If such a line must be drawn, any such distinction is arbitrary considering history is a continuum.

While it has been noted that the need for historical perspective is a vital part of the National Register process, the question remains why fifty-years, or any designated time period stands to delineate current trend from history? The real difference, in terms of the analysis of architecture between the present and the past is the difference between critique and historic analysis. The former is an assessment of a work in terms of its present context, the latter draws from previous study to gauge significance.

Historians do not rely on a set age limit to begin studying events of the past. Imagine if historians were just now beginning to write about World War II, or the assassination of John F. Kennedy, or the Civil Rights Movement. It is not expected that fifty-years lapse before scholarly research and analysis is undertaken on these events, so why is that the current standard for architectural history?

Architectural history, as a field of study, has evolved greatly since the inception of the National Historic Preservation Act. Scholars commit their careers to studying Route 66 motels, the advent of the office park, or the role of the garage in urban development. The scholarly research is available to gain historic perspective from a much earlier age than ever before.

Despite a persistent prejudice in some realms of academe against all but the exceptional monument, the concern for broadening the nature of inquiry has gained a solid footing. During the 1960s, few people made a serious study of American architecture; today hundreds are so engaged. Many have academic affiliation; many more are tied to the field of preservation. Irrespective of employment, these individuals now hail from a variety of disciplines, including urban and cultural history, folk life, and geography as well as architectural and art history. New areas of specialization such as landscape design and the decorative arts also have become well established. Commonplace patterns in the environment are given as serious and sophisticated scrutiny as artistic masterworks. Twentieth-century topics are at least as numerous as those focusing on the eighteenth or

nineteenth century. Furthermore, work of the mid-twentieth century – the 1940s, 1950s, and even the 1960s – is coming under ever more careful examination, not for critique, but for historical analysis. Fifty years no longer seems like such a short time.⁶⁶

The time it takes to gain historic perspective has grown shorter as more scholars have taken up the study of architectural history. In addition to this, a National Register nomination's success depends on three major components, the architectural description (which established the integrity of the building), an historic context, and a statement of significance. If the historic context of a nomination is lacking, in most instances the statement of significance cannot resonate enough for nomination. Without a scholarly account of *why* a building or site is important, there cannot be an attempt at an objective assessment of the property. In this sense, the National Register process is self-regulating in regards to its emphasis on historical perspective. It stands to reason that, if there has not been enough research and study to paint a clear and compelling historic context, the nomination will not be successful, regardless of the age of the property.

Alternatives: An International Outlook on Age

The United States is not the only country dealing with issues of cultural significance from within their preservation framework. An international comparison of other heritage lists which contextualize America's preservation practice from an international standpoint will show how other countries and organizations are dealing with similar dilemmas. This chapter will examine national lists or register criteria from England, Canada, and Australia as well as the UNESCO World Heritage Program. These three countries were selected because they have a similar historic preservation framework as the United States in terms of having a national list or register,

⁶⁶ Ibid.

have similar historic preservation governing bodies or agencies, and because there are broad architectural history and cultural parallels. As the only international historic register, the World Heritage List represents the register with the broadest scope and some of the most rigid criteria.

England

England's primary national body engaging in the preservation of England's resources is called English Heritage. English Heritage states that it is the Government's "statutory adviser on the historic environment...[and is] an Executive Non-departmental Public Body sponsored by the Department for Culture, Media and Sport (DCMS). [Its] powers and responsibilities are set out in the National Heritage Act (1983) and today [it] reports to Parliament through the Secretary of State for Culture, Media and Sport."⁶⁷

English Heritage administers a national list of properties it deems of 'special architectural or historic interest.' English Heritage recommends buildings to be listed to the Secretary of State for Culture, Media and Sport. Once a building is on the register, legal consideration is given before any alterations are undertaken.⁶⁸

There are four major criteria for listing:

- 1) *architectural interest*: all buildings which are nationally important for the interest of their architectural design, decoration and craftsmanship; also important examples of particular building types and techniques, and significant plan forms
- 2) *historic interest*: this includes buildings which illustrate important aspects of the nation's social, economic, cultural or military history
- 3) *close historical association* with nationally important buildings or events
- 4) *group value*, especially where buildings comprise an important architectural or historic unity or are a fine example of planning (such as squares, terraces and model villages)⁶⁹

⁶⁷ English Heritage, "What does Listing Mean?"; available at <http://www.english-heritage.org.uk/server/show/nav.1374>, Internet; accessed April 26, 2008.

⁶⁸ Ibid.

⁶⁹ Ibid.

With a longer national history than the United States, age plays a factor in listing. English Heritage states that the older and rarer a building is, the more likely it will be listed. The age framework given is that (given adequate integrity) all buildings pre-1700 are listed, most built between 1700 and 1840 are listed, and beyond that the criteria become tighter with time. English Heritage states; “post-1945 buildings have to be exceptionally important to be listed. Buildings less than thirty years old are only rarely listed, if they are of outstanding quality and under threat.”⁷⁰

A building is listed under one of these grades: Grade I buildings are of exceptional interest, Grade II* are particularly important buildings of more than special interest, Grade II are of special interest, warranting every effort to preserve them. Grade II is by far the most common listing grade, with 92% of the 370,000 listed resources falling under this category.

England takes a more top down approach to listing than the United States. Whereas a majority of National Register nominations come from owners of the sites, English Heritage decides which buildings go through the process based on a survey of historic resources and sites brought to their attention by local authorities, historical societies, and property owners. Those owning historic properties do not prepare a nomination, and the onus is not on the property owner to make a case for significance. English Heritage also lists buildings based on larger historic themes. A stated goal of the list is to include “particular building types which are under-represented in the lists, through our Thematic Listing Programme.”⁷¹ Current themes are: Industrial Heritage, Pubs, Industrial Cities, and the Defense of Britain. By striving for balance within the list, English Heritage is able to treat post-war buildings as part of a theme, needing

⁷⁰ Ibid.

⁷¹ Ibid.

only representation on the list as opposed to treating every post-war resource as historically eligible.

English Heritage broaches the subject of post-war buildings:

Recommending modern buildings for listing causes more controversy than any other English Heritage activity. In 1987 the principle was established that post-war buildings could be listed, and by the end of 1995 the importance of the period had been recognized by the listing of 189 separate buildings. In the same year the listing of post-war buildings was opened up to public debate and consultation, in recognition of the strong views many people hold on the subject in general and individual buildings in particular.

We decided to look at the whole field of buildings dating from the period 1945-1965 by building type and held a series of consultations on all our proposals for listing in 1995 and 1996, backed up by photographic exhibitions and publications explaining the basis on which post-war listing recommendations are made. These have attracted much press coverage and enormous public interest.

It is implied that any debate about the preservation and significance of the 'recent past' is over and done with. While this is an extension of the 'top down' approach to designation, the process was very public and English Heritage attempted to include the public in the evaluation of the recent past.

Unlike the National Register of Historic places, in which designation is honorary, listing by English Heritage requires property owners to undergo review when altering a building. Also, whereas owner consent is necessary for National Register listing, it is not required in England. Owners can contest a listing, but are not entitled to be de-listed. In general, English listing carries more weight for the property owner than American listing. For this reason, criteria need to be legally sound and the process transparent.

The English Heritage list seemingly has a younger age rule than the National Register. However, while thirty is the stated age for resources 'rarely listed' the list uses the similar language of 'exceptional importance' when referring to post 1945 buildings. Furthermore, English Heritage's literature leads one to believe that they have already surveyed and decided

upon the important resources of the 1945-1965 eras, in effect discouraging the public from raising awareness for buildings that may be locally significant. However, the English conservation field has been very pro-active in researching and evaluating resources that are still a bit of an enigma in the United States.

Canada

Canada's national preservation policy is administered through the Historic Sites and Monuments Board of Canada (HSMBC). This Board was created in 1919 in order to expand Canada's national park system. The idea to designate parks around historic sites and buildings led to a government program to identify and preserve significant aspects of Canada's history. The mission and powers of the HSMBC changed mid-century. "In 1953, the *Historic Sites and Monuments Act* established the HSMBC by statute, enlarged it, and gave it increased resources. An amendment in 1955 specified the power to recommend national designation for buildings by reason of their age or architectural design. Thereafter, it studied more Canadian built heritage, expanding the concept to include streetscapes, districts, gardens, and urban and rural landscapes."⁷²

HSMBC recommends designation of nationally significant historic buildings and sites to the Minister of Environment. The public nominates 80% of the properties considered by the Board. The general criterion for designation involves sites associated with significant people, places, and events.

A place may be designated of national historic significance by virtue of a direct association with a nationally significant aspect of Canadian history. An archaeological site, structure, building, group of buildings, district, or cultural landscape of potential national historic significance will:

⁷² Historic Sites and Monuments Board of Canada; available at http://www.pc.gc.ca/clmhc-hsmbc/crit/index_E.asp; Internet; accessed April 12, 2008.

- a) illustrate an exceptional creative achievement in concept and design, technology and/or planning, or a significant stage in the development of Canada; or
- b) illustrate or symbolize in whole or in part a cultural tradition, a way of life, or ideas important in the development of Canada; or
- c) be most explicitly and meaningfully associated or identified with persons who are deemed of national historic importance; or
- d) be most explicitly and meaningfully associated or identified with events that are deemed of national historic importance.

A person (or persons) may be designated of national historic significance if that person individually or as the representative of a group made an outstanding and lasting contribution to Canadian history.

An event may be designated of national historic significance if it represents a defining action, episode, movement, or experience in Canadian history.⁷³

Under the guidelines for the Place criteria it is stated that “buildings, ensembles of buildings, and sites **completed by 1975** may be considered for designation of national historic significance, provided five years have passed since the death of those responsible for their design.”⁷⁴ As of writing, the age rule for the Canadian register is thirty-three years of age. Under the guidelines for commemorating sites under the Event criteria it is stated: “Events that **occurred at least 40 years ago** may be considered for designation of national historic significance. Historic events that continue into the more recent past will be evaluated on the basis of what occurred at least 40 years ago.”⁷⁵

Still, the HSMBC, with a relatively young cut-off, seems more prepared for nominations for the recent past than the National Register. The 1975 date may be the result of the list delineating guidelines for resources from the Modern Movement. Technically, 1975 would be around the end of the Modern Movement and therefore a logical cut-off for nominations.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

HSMBC states that:

A building, ensemble or site that was created during the **modern era** may be considered of national significance if it is in a condition that respects the integrity of its original design, materials, workmanship, function and/or setting, insofar as each of these was an important part of its overall intentions and its present character; and

1) it is an outstanding illustration of at least one of the three following cultural phenomena and at least a representative if less than an outstanding illustration of the other two cultural phenomena of its time:

- a) changing social, political and/or economic conditions;
- b) rapid technological advances;
- c) new expressions of form and/or responses to functional demands; or

2) it represents a precedent that had a significant impact on subsequent buildings, ensembles, or sites.

Under normal circumstances, the Board will not consider a building, ensemble, or site that meets the above [guidelines] unless five years have passed since the death of those responsible for its design.⁷⁶

The Historic Sites and Monuments Board of Canada have provided a framework for certain aspects of the recent past. A younger age rule is somewhat saddled by the inclusion that the architect must be dead for at least five years, but more recent resources, particularly those of the Modern Movement, have been addressed in the listing process.

The Venice Charter and the UNESCO World Heritage List

The Venice Charter was a response to the destruction and subsequent restoration of historic resources after World War II. Preservation philosophy had shifted from an acceptance of historic reconstruction to the belief that buildings should be approached as historic documents, and not unnecessarily 'interpreted' through restoration.⁷⁷ Post war reconstructions in cities such as Warsaw, Blois and Vicenza spurred an international discussion about standards for the

⁷⁶ Ibid.

⁷⁷ ICOMOS, "An Introduction to the Venice Charter"; available at <http://www.intbau.org/venicecharter.htm>; Internet; accessed April 12, 2008.

preservation and restoration of historic resources.⁷⁸ The purpose of the charter was to define responsibilities concerning the preservation and conservation of historic sites and monuments. “It became the founding document of ICOMOS (the International Council on Monuments and Sites), and was later adopted by UNESCO, (the United Nations Educational Scientific and Cultural Organization). Today it provides the fundamental reference for conservation policy for the 191 UNESCO member states.”⁷⁹

The Venice Charter is not a list of international heritage sites, nor does it seek to establish an international mode of resource evaluation. The identification of a monument is touched on briefly and vaguely in the charter's definitions:

The concept of a historic monument embraces not only the single architectural work but also the urban or rural setting in which is found the evidence of a particular civilization, a significant development or a historic event. This applies not only to great works of art but also to more modest works of the past, which have acquired cultural significance with the passing of time.⁸⁰

The charter does not provide much guidance for the evaluation of historic resources, but it does state in its introduction that,

It is essential that the principles guiding the preservation and restoration of ancient buildings should be agreed and be laid down on an international basis, with each country being responsible for applying the plan within the framework of its own culture and traditions.

This gives individual countries the task of molding the concepts contained in the Venice Charter to their own cultural heritage. As the focus of the charter is not on the evaluation of resources (the charter assumes significant monuments and sites have already been identified and deemed worthy of preservation) it does not set an age limit, or any real criteria, for sites and monuments.

78 Ibid.

79 Ibid.

80 Ibid., The Venice Charter, Article I.

The Venice Charter set the stage for other international historic preservation efforts. One of the most successful of these is the World Heritage List, administered by UNESCO. The World Heritage List seeks to designate historic and natural sites of outstanding universal value. The list currently includes 851 properties from 141 different countries. The criteria for this list are strict, considering the high level of significance. That being said, UNESCO also tries to have a balanced list, fully representing geographical regions, different types of resources, and all important international trends. The selection criteria are:

- i. to represent a masterpiece of human creative genius;
- ii. to exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;
- iii. to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
- iv. to be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
- v. to be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;
- vi. to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria);
- vii. to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;
- viii. to be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features; to be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals; to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.⁸¹

Some of these criteria pertain to the built environment, others to natural sites. The process of

⁸¹ Ibid.

designation begins with a country presenting a 'tentative' list of sites to the World Heritage Centre. This list should include all possible nominated properties, but should not be considered exhaustive. Nominations are then submitted and undergo scrutiny by a succession of committees. According to the most recent *Operational Guidelines for the Implementation of the World Heritage Convention* the World Heritage Committee will designate forty-five properties to the World Heritage List.

The World Heritage List does not include an age limit in its criteria. But, even in the absence of an age limit, there are very few sites from the last seventy-five years on the register. Recognizing that the Modern Movement was an important international architectural movement, ICOMOS asked DOCOMOMO to produce a report on the heritage of the Modern Movement as it pertains to the World Heritage List.⁸² Included in the report was a tentative list of twenty structures DOCOMOMO felt represented the universal value of architecture of the Modern Movement.

Considering that nominations come from countries, as opposed to individuals, properties are already filtered through their home countries' preservation policies. Inevitably, many younger properties are weeded out before reaching consideration for the World Heritage Site. UNESCO and ICOMOS, recognizing the need to represent the entirety of human history within the list, actively sought experts on a major architectural movement in order to consider these resources for the World Heritage List. Tel-Aviv's White City, an impressive ensemble of Modern Movement architecture, was designated a world heritage site in 2003.

Australia

Australia's conservation policy takes a slightly different approach to the concept of

82 Hubert-Jan Henket, "The Modern Movement and the World Heritage List," DOCOMOMO via the World Heritage Council, <http://www.whc.org>.

significance. A unique methodology grew out of the Burra Charter, a document formulated as a response to perceived shortcomings of the Venice Charter of 1964. In the late 1970s, at the Fifth General Assembly of ICOMOS in Moscow, Australia and Tunisia attempted revisions of the Venice Charter based on the different character of their countries' resources.⁸³ None of the requested revisions passed, and Australia set about drafting a document more suited to its needs.

The major concern regarding the Venice Charter was its semantic inability to address historic resources not classified as monuments or sites. The preservation of vernacular architecture, archaeological sites, rock art, rural landscapes, gardens, and Modern architecture could not be adequately addressed within the language of the Venice Charter. The Burra Charter was an attempt to rectify the omission by changing the concept of historic significance to cultural significance, and looking at sites in the more holistic concept of “place.”

The Burra Charter does not deal with monuments and sites but with places; a place may include structures, the ground upon which they stand, material below the ground surface, and relevant contents, such as tools or furniture. The term “place” has been chosen deliberately to avoid the implication that the charter is concerned principally with grand architecture or necessarily with any architecture at all. When buildings are involved, it is meant to stress that they must be related to their contents, to any archaeological deposits, and to the relevant functional and visual environment.⁸⁴

In changing Australia's conservation methodology from 'historic' resources to 'cultural' resources, evaluation of places shift significance from an historic emphasis (such as age) to the significance a site has on those who interact with that place.

The other critical concept is that of cultural significance. This is the term for the reasons why the place seems worth preserving at all. This approach is very different from that of the Venice Charter, which takes for granted that we know what our historic monuments are, what it is that makes them historic, and how we want to preserve them. And yet there have been plenty of controversies in Europe

83 Miles Lewis, “The Conservation Analysis: An Australian Perspective,” *APT Bulletin* 28, No. 1 (1997): 48.

84 *Ibid.*, 49.

to demonstrate there is, in fact, no agreement upon these points. Under the Burra Charter, cultural significance is defined as “aesthetic, historic, scientific or social value for past, present or future generations,” and those adjectives are then themselves separately defined.⁸⁵

The Burra Charter is not a piece of legislation, criteria for specific designation of sites, or a standard for restoration or rehabilitation, rather is it planning tool that guides Australian conservation practitioners. Still, the Burra Charter has impacted conservation practice in Australia as Graham Brooks writes:

...the Burra Charter has had a remarkable influence and effect on conservation practice. Many government conservation bodies tie conservation funding to the application of its methodologies. Most state and local governments now require consideration of potential impacts on a place’s cultural significance before development can proceed.⁸⁶

The Burra Charter methodologies have also influenced the Australian Heritage System. This relatively new system of conservation is explained by the non-profit organization the National Trust of Australia as:

[A system that] operates under a piece of Australian Government legislation called the *Environment Protection and Biodiversity Conservation Act 1999*, commonly known as the EPBC Act. This legislation provides for the establishment of a new National Heritage list, and a new Commonwealth Heritage list. The national heritage system operates in parallel with local and State / Territory heritage systems. In other words, a place could be on a National Trust list, be protected under a local government planning scheme and listed on a State or Territory heritage register, and still also be listed on the National or Commonwealth Heritage list. Each system acts like an additional layer of potential protection for the place.⁸⁷

The Australian system is slightly more decentralized than the American system in that there are separate lists for national heritage, state/territory heritage, and local heritage. The National Heritage List is the register of nationally important places of cultural interest. Both

⁸⁵ Ibid, 50.

⁸⁶ Brooks, Graham, “The Burra Charter: Australia’s Methodology for Conserving Cultural Heritage,” *Places* 8, No. 1, (1992): 85.

⁸⁷ National Trust of Australia, “The National Heritage System,” available at <http://www.nationaltrust.org.au/NationalHeritageSystem.htm>; accessed November 3, 2008.

governmental entities and the public nominate places to the National Heritage List.

The spirit of the Burra Charter is present in the criteria for the National Heritage List. It is a list that bases significance on a concept of place that either does, or does not, possess *heritage values*. In fact, The Australian Heritage Council states, “It is these heritage values and not necessarily the place itself that will be protected through this listing.”⁸⁸

The idea of ‘heritage values’ is not wholly subjective. The Heritage List has particular criteria for designation. The criteria for designation are any or all of the following:

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history;
- (b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history;
- (c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history;
- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
 - (i) a class of Australia's natural or cultural places; or
 - (ii) a class of Australia's natural or cultural environments;
- (e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- (f) the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period;
- (g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- (h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history;
- (i) the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition.⁸⁹

⁸⁸ Australian Government, Department of the Environment, Water, Heritage and the Arts, “National Heritage List Criteria” available at <http://www.environment.gov.au/heritage/about/national/criteria.html>; accessed April 10, 2008.

⁸⁹ Ibid.

Some of the language is similar to the criteria that compose the American, Canadian, and English lists. Criterion (h) corresponds to significant persons criteria. Criterion (a) can be interpreted as the 'event' criterion seen in other lists. Likewise, a criterion (c) contains similar language to Criterion D of the National Register in its reference to archaeological sites and their potential to yield information about the past. However, the constant reference to places in terms of cultural, community, and heritage value is unique to these criteria. There are no exceptions to the criteria, in particular no age limit for designation is established.

At first glance, this list of criteria seems too inclusive. An argument for community value can be made for the most mundane of structures. The inclusiveness of the criteria is tempered by an evolution test that looks not at whether the place adheres to the criteria, but at its *level* of significance within the terms of the criteria. To gauge this, the Heritage List judges a place's heritage value against a 'significance threshold.' This test asks the question, "How important are these values?"⁹⁰

To be designated on the National Heritage List, a place must have 'outstanding' heritage value. Whether a place has outstanding heritage value is determined by comparing the nominated place to similar types of places. "This allows the Council to determine if one place is 'more' or 'less' significant compared to other similar places, or if it is unique. The degree of significance can also relate to the geographic area, for instance, the extent of a place's significance locally, regionally, nationally or internationally."⁹¹

The Australian National Heritage List has managed to be more inclusive and sensitive to indigenous concepts of significance by recognizing that cultural significance can be explored

90 Ibid.

91 Ibid.

through shared values as opposed to a more ‘bricks and mortar’ concept favored by other preservation systems. Age is not explicitly stated as being a factor in the evaluation and designation of resources.

In looking at England, Canada, Australia, and the UNESCO World Heritage Lists it is apparent that each register of historic places takes a slightly different view of age and significance. ‘Age-rules’ are by no means an American invention, but the fifty-year rule is currently the longest age rule of those discussed (**Figure 5**). It also seems that the American National Register is lagging behind other registers in regards to addressing resources from the past fifty years.

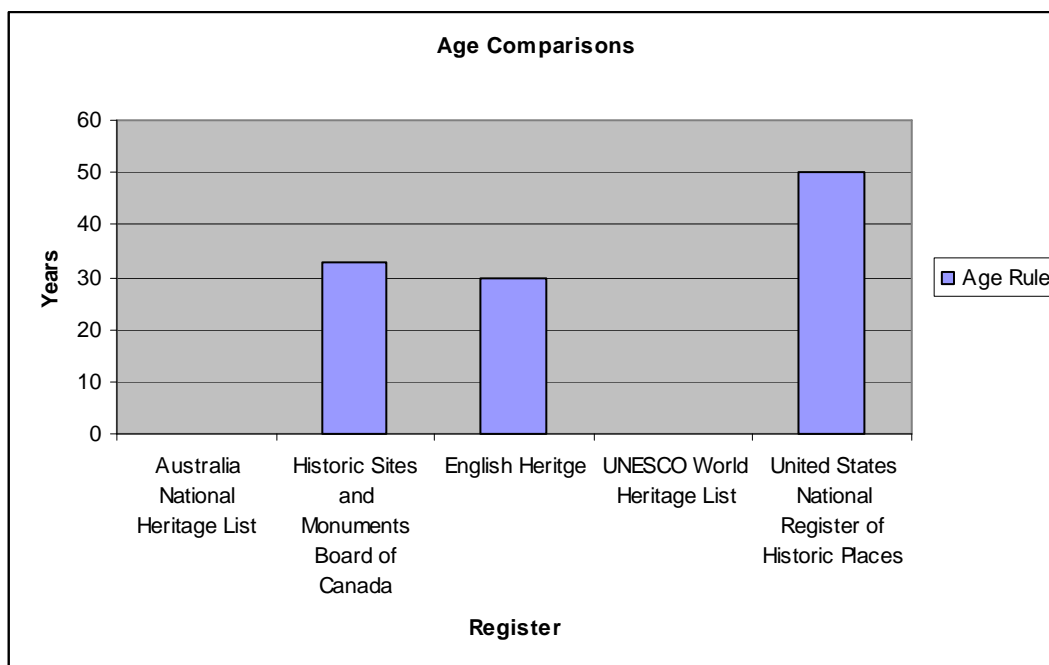


Figure 5

This comparative analysis reveals both commonalities between age rules well as some alternatives to that could be incorporated into American preservation practice. The idea that younger resources must display a very high amount of significance is present in all the listing agents. However, the threshold between young and old varies, and in some cases is not

explicitly stated. Based on this comparison two alternatives to the fifty-year rule were identified: base age restrictions on researched periods of architectural history and have no age rule, and eliminate an age rule with an emphasis of culture over history.

Recognizing variety in historic resources has played a major role in lowering the age rule in both England and Canada. England's thirty year age rule was instituted only after English Heritage saw that post-WWII resources needed to be addressed as part of a unique development phase. English Heritage made a concerted effort to tackle a whole era of architecture head-on through research, documentation, and categorization of buildings from 1945 to 1965. This time was for both gathering research and sharing information with the public about this chapter of architectural history. This process enabled English Heritage to manage the designation process with a shorter age limit. Similarly, HSMBC recognized that resources from the modern era would need to be evaluated differently than some older resources. HSMBC published significance criteria that were specific to younger resources, such as the illustration of rapid technological advances or new expressions of form and/or responses to functional demands.

In both cases, the English and Canadian models showed a flexibility in their designation criteria that is not present in the National Register. Realizing that a blanket approach to new types of historic resources may not benefit the evaluation and designation process, both systems allowed for subtle changes. The National Register of Historic Places does have a certain level of flexibility, especially considering that there can be exceptions to the age rule, but the actual verbiage of the criteria and the considerations have not changed since 1966.

The Australian model is a comparative analysis that could probably constitute a thesis in itself. The practiced methodology for the evaluation of cultural resources is, in some ways, very unique to Australia and its ties to both colonial and indigenous culture. For Australia, an

emphasis on place and heritage values addressed the countries' conservation needs. To adopt Australian methodologies to the National Register of Historic Places would, in effect, change the register from an *historic* register to a *cultural* register. Given the history of indigenous people in the United States and the diversity of cultural traditions, such a change may not be inconceivable. However, such a change would be drastic and certainly not be precipitated by an age rule alone.

Shortening the Fifty-Year Rule: New York City

Another alternative to the fifty-year rule is to maintain an age guideline, but make it shorter. New York has already been briefly discussed in terms of the development pressures facing many cities and towns. Exceptionally high land values, zoning ordinances, and the pressure to demolish properties not meeting the 'highest and best use' standard culminated in extreme development pressures and the loss of many historic properties. These pressures galvanized the New York preservation movement that led to the city's Landmarks Law. In this law was a stipulation that buildings be at least thirty years old to be considered for landmark designation. A shorter timeframe from the 'national average' compensated for the unique real estate market in New York.

The 1950s saw an influx in development and the destruction of many of New York's architectural gems. This led up to the high-profile demolition of Pennsylvania Station in 1961. The loss galvanized a preservation effort that included grass-roots advocacy and intense media coverage. This resulted in the appointment of a Landmarks Preservation Commission that same year. The Commission was tasked with identifying New York Landmarks, but was not given any legal authority to designate landmarks. In a city with some of the world's highest land

values, any regulation of private property was highly controversial. Real Estate interests were highly opposed to any preservation laws. But, Anthony Wood, author of *Preserving New York* states; “Ironically, the real estate industry in New York deserves the lion’s share of credit for the existence of the city’s Landmarks Law. Real estate developers, as well as institutions cashing in their real estate holdings, provided the necessary impetus to move the Landmarks Law forward. Almost on cue, time and again, real estate interests provided landmark crisis after landmark crisis. Providently timed and accelerating in frequency, they vividly advanced the case for landmarks protection.”⁹²“

In 1964 the Landmarks Preservation Commission presented a draft of the Landmarks Law to the mayor. The bill languished on the mayor’s desk for nearly six months, until intense media scrutiny pushed the bill to the city council for review. Review of the law commanded media attention and while there was overwhelming support for the bill, those who opposed it (primarily real estate special interests) were influential. Wood states that the city council hearings centered on the Landmarks Law were a confrontation between civic leaders and real estate interests.⁹³ “It would have been a huge mistake to underestimate the strength of their [the real estate special interests] opposition or their ability to effectively advance their desired changes behind closed doors. Those aligned against the legislation tended to do their best work behind the scenes, away from the glare of the public.”⁹⁴

It took months for the city council to review and revise the bill. Advocates of the bill feared that real estate special interests would be successful in either changing or amending the bill to the point of rendering it useless. When the bill was passed in 1965 it was recognizable as the bill

⁹² Wood, Anthony, *Preserving New York: Winning the Right to Preserve a City’s Landmarks*, New York: Rutledge, 331.

⁹³ *Ibid*, 353.

⁹⁴ *Ibid*, 342.

that had gone to the mayor a year ago, but there had been revisions, amendments, and additions. One of the additions was the inclusion that buildings needed to be “30 years or older” for designation as a landmark. The thirty-year stipulation was a direct response to objections by real estate interests that the definition of a landmark was too vague. In this case, the thirty-year rule was the result of compromise between preservation advocates, who wanted as broad a definition of a landmark as possible and real estate interests who wanted landmarks narrowly defined.

CHAPTER IV

RECOMMENDATIONS AND CONCLUSION

Conclusion

When the age requirement evolved, those crafting designation criteria were contending with political pressure and creating a framework for a completely new endeavor by the National Park Service. For the burgeoning field of historic preservation, the age rule assisted in legitimizing a process that could be seen as highly subjective. In fact, former Chief Historian of the National Park Service, Robert Utley noted:

Unfortunately, what was considered as a kind of general guideline has been translated by ignorant and well-meaning, or maybe evil people with bad designs in mind, into a criterion. It's become almost a cliché. The thinking was that in general you need a 50 year perspective to have a good professional judgment of whether a property qualifies or not. But it was never intended to be rigidly applied as when the National Register criteria were written, the wording in the original Landmark criteria was retained in which, upon showing 'transcendent' value, the general guideline of 50 years was to be ignored.⁹⁵

The fifty-year rule has served the practice of historic preservation well. It has added accessibility to those who were unfamiliar or uncomfortable with the idea of regulating historic properties. It has helped make a vague concept, that of historic significance, more accessible to preservation advocates, the general public, and preservation professionals. It has served as a measuring stick by which an historical perspective was gained before the study of architectural history could shed more light on our built environment. However, changes in preservation such as rapid rates of development, the expansion of homes and subsequent teardowns, new types of

⁹⁵ Sprinkle, 101.

historic resources like cultural landscapes, and ideological shifts in design and building have outpaced the fifty-year rule. Historical perspective is important and age is a factor when considering whether something is historic, however an arbitrary cut-off of fifty years may no longer be necessary in today's preservation world. Approaches in other countries have shown that national preservation efforts can exist without age limits or with shorter age limits.

One of the difficulties of this discussion is its theoretical nature and the fact that the fifty-year rule is just one small part of a larger whole. The preservation or loss of a building is rarely contingent on age alone. However, the fifty-year rule, existing in the National Register of Historic Places has set the tone for the field in regards to expectations of age and historicity. Given the new considerations in historic preservation, it is questionable whether a specific age limit should even be present in the considerations for the National Register as opposed to a general statement about age and its relevance to historic significance. Instead of the current consideration stating "properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register"⁹⁶ a statement such as "properties that are not old enough to be evaluated within a proper historical context shall not be considered eligible for the National Register" would suffice to ensure historical perspective was taken into account when evaluating properties.

The work done in this thesis is the proverbial 'tip of the iceberg' on the topic of the fifty-year rule. Delving into the history of the rule, looking broadly at its influence and impact on perceptions of historicity, comparing America's age rules to those around the world; these questions have unearthed areas of research and discussion regarding the fifty-year rule. Issues raised in this work substantiate the case that the fifty-year rule is not a tenant of historic

⁹⁶ National Park Service, *The National Register of Historic Places Brochure*

preservation to be taken for granted. However, there are specific avenues of research that need to be undertaken before one could definitely make a statement about how to move forward in regards to age rules.

Figure 4:

Recommendations:

- Undertake a comprehensive study of the impacts of the fifty-year rule
- Initiate a large-scale educational campaign for resources spanning 1945-1975.

Opportunities for Further Study

The scope of this thesis sought to study the fifty-year rule, determine whether this tenant of preservation practice warrants re-evaluation, and explore alternatives to the age rule. While there are some models for shortening the age rule (New York City), or doing away with an age rule entirely (Australia), more research is needed to make a determination as to whether to change the rule, and if so, to what.

Research in this thesis uncovers areas to explore in order to continue the re-evaluation of the fifty-year rule. Firstly, there needs to be a more definitive idea of how many buildings are being affected by the age rule. Teardowns were cited as a national epidemic affecting older homes. Do teardowns inordinately affect neighborhoods of houses forty to fifty year old? Are buildings on the cusp of being fifty year old more expendable than houses well over fifty year of age? The argument has been made that there has been an increase in building development over the past decade. What exactly is this new development replacing? A closer look at what is being demolished through a study of demolition permits as compared to building permits may reveal a pattern in what is being lost.

Another way to research how buildings are affected by the age rule is to interview or survey government agency officials, local historic preservation commissions (HPCs), and preservation advocacy organizations. Informal conversations with National Register coordinators were telling as to what sort of support the fifty-year rule has within SHPOs, however a more systematic survey of how National Register coordinators deal with the fifty-year rule would help in evaluating the rule. How many 'young' resources have been denied listing? How often have nominees been advised to wait until a building 'comes of age?' The idea of 'exceptional importance' can be further studied by comparing those properties that were listed before the age of fifty and seeing if any trends emerge.

Perhaps more telling would be discussions at the local level. A thorough survey of local Historic Preservation Commissions' understanding of the fifty-year rule and how it affects local listing or survey practices would allow for insight into whether the fifty year rule affects the actual regulation of properties. An extensive comparison of local historic preservation ordinances would unveil how many communities are operating under an age rule. Further research questions may include:

Are HPCs concerned about losing buildings of the recent past?

What types of buildings do local preservation officers and commissioners consider 'historic?'

Are resources from a certain age group particularly at risk?

Research at the local level could also address local preservation advocacy groups and whether any urgency is felt for 'young' resources. Once again, the research in this thesis touched upon agents such as Endangered Property Lists and Twenty-Five Year lists that advocate for some young resources, but an extensive look at smaller, local organizations may reveal whether the public would be accepting of embracing younger resources as historic.

One quandary that was touched upon in this thesis was that of the ideology behind, and the materials used, for some buildings of the Modern Movement. The question of 'How do you preserve buildings that were not meant to be preserved?' opens a philosophical discussion about the nature of historic preservation and its ultimate intent. From a more practical standpoint there is the question, 'How can you *afford* to preserve buildings that were not meant to be preserved?' There is a question of economics in this discussion that cannot be ignored if it is to have any basis in the actual practice of historic preservation. At some point, age rule or not, this question will need to be addressed. In terms of this discussion, research into whether a change in the age rule may result in an undue economic burden on state and local agencies (due to an increase in historic designation) may help weigh the future of the fifty-year rule.

Educational Efforts

In order to even consider moving beyond the filter of an age rule, a massive educational effort needs to be undertaken. On the national level, the National Park Service needs to take the lead on identifying themes from the recent past and categorizing building types. The National Park Service has not been completely remiss in this research. Its most recent bulletin is entitled 'Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places.' This is certainly a step in the right direction, but not nearly enough. Guides for the evaluation of ranch houses, malls, gas stations, or the conservation of curtain walls would continue to answer questions and guide people about mid-century resources. Research and subsequent publications and guidelines for these resources would need to be made available to surveyors and planning departments to supplant the notion of "it is not old enough, so I do not have to deal with it yet." Instead of writing Bulletins trying to fit new and different

resources into an old system, the National Park Service should be at the forefront of creating and identifying larger themes under which practitioners can evaluate resources.

If planning offices and architectural surveyors feel comfortable with these types of resources as opposed to intimidated by them, they will be more successful in deciding what is truly valuable to a community and what can be let go. Following the English example, the National Register should delineate time periods for historic themes. Instead of stopping time at fifty years, age becomes more malleable, and more appropriate for a field that is trying to preserve the continuum of history as opposed to isolated pockets of the past.

“The demand for knowledge of our environment, not just the relics of a distant past, but the things we experience routinely, has grown at a rapid pace over the past few decades, and stands as an underlying cause of preservation’s great success.”⁹⁷ While formal buildings of history are important and enjoyable, it is the idea of preserving culture, community, and heritage that has grabbed the interest of the public and enabled preservation to become a part of a larger planning process.

State Historic Preservation Offices can be involved in writing historic contexts for building types unique to their state. Accessible historic contexts for roadside motor courts, mid-century commercial buildings, or the development of office parks, will foment discussion about younger resources. SHPOs can also utilize local or state chapters of organizations like DOCOMOMO and AIA to help with the dissemination of information.

Local Planning

It is at the local level that historic properties can actually be regulated. As discussed, the National Register has no real regulatory power despite its influence on preservation practice. Therefore, were Consideration G to be changed, support would need to be given to Certified

⁹⁷ Ibid, 13-14.

Local Governments with historic preservation commissions so that the standards of the National Register would align with local preservation practice. Both local historic preservation commissions and the general public would need to be a part of a large educational effort in order to function with a shorter age rule.

Questioning the fifty-year rule has the potential to evoke strong opinions from many different sectors within the practice of historic preservation. The fifty-year rule is part of conventional wisdom in the field; a somewhat latent idea that, while not directly affecting all preservation decisions, has been a guiding principal in designation since the 1930s. While this thesis cannot substantiate a move to shorten or abolish the fifty-year rule, its research does support that the benefits of the fifty-year rule may not entirely outweigh the risks to certain building types. It also supports the notion that the rule may not be as relevant today as it was at its inception. A common misperception about historic preservation is that the field is out to halt change - to freeze things in the past. This is descried by those working in preservation, but let it not be true concerning the evolution and growth of the professional field. The questions have been asked, doors have been opened to new research topics; let those intent on preserving our built heritage tackle the challenges of this debate and continue to better the practice of historic preservation.

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