



Residential Retaining Wall - Policy Guidelines

1. Statement of Purpose:

The restoration and protection of Deadwood's historic buildings and structures are a primary part of the City's goal to preserve and maintain Deadwood's historic integrity. The expense of such restoration and protection projects may discourage property owners from having the work completed or may result in lower quality of craftsmanship. The purpose of this program is to assist and encourage property owners to use quality materials and craftsmanship by repairing first, where possible, and replacing, only if necessary.

2. Objective:

The City of Deadwood is a National Historic Landmark and is listed on the National and State Registers of Historic Places. Maintaining these designations is critical to the economic success of the City and quality of life of its residents. The objective of the program is to stimulate the quality restoration and protection of buildings and structures contributing to the historic integrity of the City of Deadwood.

3. Eligibility:

To be eligible for the Retaining Wall - Residential Program, a project must meet the following criteria:

- a. The retaining wall must exist within the Deadwood City Limits.
- b. The retaining wall must exist as part of a residential property. Retaining walls on commercial properties are not eligible for this program.

A retaining wall must also meet one of the following:

- a. The retaining wall must be determined to be a historic or contributing feature in the Deadwood National Historic Landmark District. To obtain this status, the retaining wall must possess an age of fifty years or older, and must be eligible for listing in the National Register of Historic Places as defined in the National Park Service's [National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation](#).
- b. The physical condition of the retaining wall must threaten the integrity of a historic or contributing building or structure in the Deadwood National Historic Landmark District. Historic buildings and structures contribute to the National Historic Landmark District are listed in the city's 1993 Historic Sites Inventory. Any property not present in these listings must be eligible for listing on the National Register of Historic Places as defined in the National Park Service's National Register Criteria for Evaluation. Determination of a retaining wall's threat to a historic or contributing building or property will be done by the Deadwood Building Inspector in accordance with the Building Codes adopted by the City of Deadwood.
- c. The physical condition of a retaining wall must threaten individual life safety. The City of Deadwood Building Inspector will determine a retaining wall's threat to individual life safety based upon applicable definitions under the Building Codes adopted by the City of Deadwood.

The City of Deadwood's Historic Preservation Officer, in consultation with the Building Inspector, determines a project's eligibility. All eligible applications are subject to the review by the Deadwood Historic Preservation Commission.

4. Project Selection Based On Priorities:

Due to the limited availability of program funds and quality craftsmanship, a priority schedule will be referred to in processing applications for the Retaining Wall Program. These priorities may be amended to reflect the availability of funding and completion of "high priority" projects. The Deadwood Historic Preservation Commission will evaluate each application received and will take into consideration the needs and priorities. Priorities are set as follows:

- a. First priority - Projects determined by the City of Deadwood’s Building Inspector affecting applicable Life Safety Codes.
- b. Second priority - projects affecting the preservation and protection of properties listed on the City of Deadwood’s 1993 Historic Sites Inventory as contributing to the Deadwood National Historic Landmark District.
- c. Third priority - projects affecting structures, which in the sole opinion of the Deadwood Historic Preservation Office, contribute to the historical integrity of the City of Deadwood as defined in Chapter 24:52:00:01 (4) of the administrative rules of the South Dakota State Office of History.

5. Owner’s Financial Obligations:

- a. Project costs are divided into two (2) portions: the **Owner’s portion** and the **forgivable portion**.
- b. The **Owner’s portion** is the sum of the following:
 - 10% of the project costs (excluding the cost of engineering), plus
 - 10% of the property value based on the most recent real estate assessment shown on the Lawrence County Equalization records for both land and structures plus,
 - Any loan fees relating to Owner’s portion loan, if applicable.
- c. The **forgivable portion** is written as a loan to the owner. This loan is a zero interest, no payment loan but any loan fees associated with the forgivable portion of the loan are the responsibility of the owner.
- d. The Owner may finance the Owner’s portion of the project costs themselves. In this case, the Owner pays the City of Deadwood in advance and the City will process all payments to contractor(s).
- e. The Owner may choose to finance the Owner’s portion of the project costs through the Historic Preservation Revolving Loan Fund if they demonstrate the ability to repay both principle and interest. Terms will be adjusted with a balloon payment determined. The Owner may be eligible for refinancing the balloon payment at the end of loan period but the new loan will be subject to new loan conditions and at market rates.
- f. Failure to maintain property up to City of Deadwood’s Minimum Maintenance Standards may cause loan(s) to be payable in full.

6. Inspections and Changes of Ownership

- a. A satisfactory inspection by the City Building Inspector at completion of project is required.
- b. The property owner must meet minimum maintenance requirements. A satisfactory inspection by the City Building Inspector at the maturity of the loan is required. This inspection must be passed prior to any of the forgivable portion loan to be forgiven.
- c. In the event of a title transfer such as the sale of the home or cash out refinance, occur prior to the maturity of the loans, including the forgivable portion loan, the balance of the loans will be due and payable in full.

7. Loan Conditions:

Owner’s Portion (Life Safety) Loans

| LOAN AMOUNT | INTEREST RATE | TERM | PAYMENT AMOUNT | SECURITY |
|---|---|----------------|--|----------------------------|
| 10% of project <u>plus</u> 10% of assessed value | Borrower Loan 0%¹ | 5 years | Monthly payments due.² Possible balloon payment due at end of term | Note & Mortgage |

Owner’s Portion (non-Life Safety) Loans

| LOAN AMOUNT | INTEREST RATE | TERM | PAYMENT AMOUNT | SECURITY |
|---|--|----------------|--|----------------------------|
| 10% of project <u>plus</u> 10% of assessed value | Borrower Loan Market Rate¹ | 7 years | Monthly payments due.² Possible balloon payment due at end of term | Note & Mortgage |

Forgivable Portion Loans

| LOAN AMOUNT | INTEREST RATE | TERM | PAYMENT AMOUNT | SECURITY |
|---------------------------------------|---|--|--------------------|--------------------------------|
| Project costs less Owner’s Portion | Borrower Loan 0%¹ | 5 years Owner Occupied 10 years for all others | No payments | Note & Mortgage |

¹All Deadwood Historic Preservation loan programs will include the following fees: Credit Report, Recording Fee, 1% Loan Origination Fee, Settlement Fee and a Title Report Fee. These fees are collected from Owner at loan closing. All loan fees will be disclosed on a Loan Estimate by NeighborWorks in accordance with the Real Estate Settlement and Procedures Act.

Property Owners must provide proof of ability to repay loan. Various documents will be requested by NeighborWorks to complete a loan application.

The Deadwood Historic Preservation Commission reserves the right to modify, amend, or forgive the loan payment or to change or modify this program for any reason.

Additional loan considerations:

- a. If the Owner desires to sell the property before the end of the loan term, the amount remaining on the loan must be paid in full.
- b. The Owner must have addressed any additional preservation issues beyond the original work, meet Deadwood Minimum Maintenance Standards, and satisfy all loan conditions before loan can be satisfied.
- c. The Owner, through acts or omissions, may jeopardize the value of the property and bring the amount of the loan due and payable in full, if the Owner does not remain in compliance with the terms of the mortgage:
 - i. in regards to the payment of property taxes and assessments against the mortgaged property,
 - ii. in regards to maintenance of property insurance coverage on the mortgage property;

8. Project Conditions:

- a. The City of Deadwood’s Historic Preservation Officer and Building Inspector will monitor all project construction work to ensure compliance with the requirements of the Building Codes adopted by the City of Deadwood.
- b. Reconstructed retaining walls greater than four (4) feet high must be engineered, as required by the Building Codes adopted by the City of Deadwood. The Historic Preservation Commission will obtain engineering and pay for the cost of engineering services.
- c. All retaining wall projects will be put out to public bid. The bid process will follow the City of Deadwood’s procurement procedures per South Dakota Codified Laws.
- d. The Historic Preservation Officer must approve all retaining wall designs to ensure compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. Failure to meet this requirement will terminate the program commitment.
- e. The Historic Preservation Commission will disburse all program funds directly to the project’s contractors and/or suppliers of materials based on the City of Deadwood’s administrative procedures.
- f. A project must be completed, or under construction, within one (1) year of the Historic Preservation Commission’s allocation of funds. Failure to meet this requirement may terminate the program commitment.

9. Forms and Technical Assistance:

- a. **Loans** - Loan application forms and loan technical assistance are available at the NeighborWorks Office, 795 Upper Main Street in Deadwood. Telephone: (605) 578-1401.
- b. **City of Deadwood Building Permit** – A City of Deadwood (Residential or Commercial) Building Permit must be acquired from the City of Deadwood Building Inspector located at 67 Dunlop Avenue, in Deadwood. Telephone: (605) 578-3082. This permit application form is also available online at: <http://www.cityofdeadwood.com> , under **Permits, Licenses & Forms** tab, then under Building Inspector heading.