

2025 Changes to the Policies and Procedures of the Texas Historic Courthouse Preservation Program

Adopted by the Texas Historical Commission, August 1, 2025

Special meetings of the Texas Historical Commission's Architecture Committee convened on December 17, 2024, and May 27, 2025, examined specific aspects of the Texas Historic Courthouse Preservation Program (THCPP). In response to feedback from the Committee members, staff have prepared the following recommendations to respond to various concerns that arose during the Committee's consideration of the Round XIII grant awards. The Committee discussed distribution of awards across application types, emergency grant considerations, funding caps, emergency grants for previously restored courthouses, out-of-cycle grant requests, and the maintenance of fully restored courthouses.

Distribution of Awards Across Application Types

Full restoration has been the consistent priority of the THCPP. The 2018 Courthouse Advisory Committee "unanimously agreed that the full restoration grant projects should remain the program's highest priority and that other grant projects are significantly lower as a next priority." The 2023 Courthouse Advisory Committee reaffirmed this approach, recommending that "the Commission consider a balance of awards among the grant types, prioritized in the order of full restoration, emergency, returning applicants, and planning grants." Please see the committee recommendations, enclosed.

Round XIII required difficult decisions about the number of grants to fund in each category, given the limited funding available as compared with the need illustrated by the applications. In response, the Committee and staff considered a proposal to allocate a percentage of appropriated funds for the four grant types: full restoration, planning, emergency, and emergency for previously restored courthouses.

The Committee and staff do not recommend establishing a hard target in advance or a certain percentage of funds to each category. If there are not as strong of applications in one area as another, a quota would reduce the Commission's flexibility to respond appropriately. However, the Commission's priorities for grant funding should be clear in the application materials.

Recommendation #1

- a) Retain current approach to allocation of funds to the four THCPP grant types, based on merit, the number of worthy applications for each grant type, and the project costs for each. Distribute grant funds to the worthiest and highest scoring projects in each category, while continuing to prioritize a majority of monies for full restoration requests.

Required Action:

- None

Funding Caps

Round XIII included planning and emergency applications at or close to the \$10 million cap. If awarded at this level, limited or no funds would remain for full restoration of the courthouse in a future cycle. Since the goal of the program is to achieve fully restored courthouses, it is critical that the Commission limit funding for planning and emergency grants so that there is sufficient leverage to persuade counties to complete a full restoration. Over the past 10 years, the average emergency request has been \$1,175,373 and the average planning request has been \$1,094,038, or a total of \$2,269,411 for both planning and emergency grants. In other words, a \$4 million cap on one county's allowable emergency and/or planning grants provides a reasonable limit, reserving a majority of the \$10 million total cap for a future full restoration grant.

The THCPP has regularly awarded emergency grants and planning grants since the program's inception. Emergency grants are often critical to preserving a historic courthouse while it awaits full restoration funding. Planning grants produce shovel ready projects that are ready to go to bid once awarded full restoration construction funding.

Emergency Grant Historical Data:

Average Emergency Grant Requests Since Round IX in 2025 Dollars:

- Round IX (2016): \$ 528,316 (10 Emergency Requests, 4 Emergency-Only Requests)
- Round X (2018): \$ 294,773 (8 Emergency Requests, 6 Emergency-Only Requests)
- Round XI (2020): \$ 1,079,076 (5 Emergency Requests, 2 Emergency-Only Requests)
- Round XII (2022): \$ 731,856 (10 Emergency Requests, 9 Emergency-Only Requests)
- Round XIII (2024): \$ 2,363,226 (12 Emergency Requests, 8 Emergency-Only Requests)
- Round XIII PR (2024): \$ 2,054,988 (9 Emergency Requests for Previously Restored CH's)

Refugio County's Round XIII (2024) Emergency Request: \$ 8,130,718

Average Emergency Request in 2025 Dollars: \$ 1,175,373

Planning Grant Historical Data:

Average Planning Grant Requests Since Round IX in 2025 Dollars:

- Round IX (2016): \$ 879,664 (3 Planning Requests, 0 Planning-Only Requests)
- Round X (2018): \$ 431,760 (7 Planning Requests, 0 Planning-Only Requests)
- Round XI (2020): \$ 767,416 (10 Planning Requests, 0 Planning-Only Requests)
- Round XII (2022): \$ 1,006,625 (2 Planning Requests, 1 Planning-Only Requests)
- Round XIII (2024): \$ 2,384,724 (7 Planning Requests, 1 Planning-Only Requests)

Dallas County's Round II (2001) Planning Request: \$ 462,500 (\$ 1,185,528 in 2025 dollars)

Harris County's Round IV (2004) Planning Request: \$ 500,000 (\$ 1,139,384 in 2025 dollars)

Travis County's Round XIII (2024) Planning Request: \$10,000,000

Average Planning Request in 2025 Dollars: \$ 1,094,038

Recommendation #2

- a) Place a \$4 million cap on a single grant recipient for emergency and/or planning grants so that a majority of the \$10 million total cap is reserved for a future full restoration construction grant.

Required Action:

- Limit the total grant funds awarded to a single grant recipient for either planning or emergency funding, or both, to \$4 million.
- Publicize the cap on emergency and planning grants in the grant application materials.

Emergency Grant Considerations

Several concerns related to emergency grants need to be addressed, including refining the endangerment scoring system to more easily distinguish between emergency grant proposals and reduce the likelihood of tied scores, and the scopes of work that should be considered by the Commission for emergency grants out-of-cycle, emergency grants for non-restored courthouses, and emergency grants for previously restored courthouses.

Amend the Scores in the Endangerment Category

Staff evaluated and refined the scoring criteria for the category of endangerment to better triage the level of need and reduce the likelihood of tied scores. Staff propose adding two new scores and classifications to the endangerment category. The need for distinction is more pronounced at the upper end of the scoring range, since most unrestored courthouses tend to score at least a 10 in endangerment, and projects that receive scores above 10 are most likely to be considered for an emergency grant award. Staff propose changing the point allocations in the existing system and adding two new scores, as outlined below. In the existing system, major electrical, mechanical and structural failures are combined. Staff recommend allocating two more points to buildings with a major structural failure than buildings with a major mechanical or electrical failure.

Existing Scoring Classifications for Endangerment

Endangerment – *the degree to which the building or its users are at risk from the following:*

Vacant, vandalized, fires, open to weather, partial collapse	20 pts.
Major structural, mechanical, electrical failure(s)	15 pts.
Significant problems	13 pts.
Average condition for unrestored courthouse	10 pts.
Single issue for restored courthouse	5 pts.
None apparent	0 pts.

New Scoring Classifications for Endangerment

Endangerment – *the degree to which the building or its users are at risk from the following based on the extent and impact of the issues:*

Vacant, vandalized, fires, open to weather, partial collapse	20 pts.
Global endangerment impacting the entire building	16-19 pts
Structural failure(s) other than global	12-15 pts
Significant deterioration of building envelope, windows, or other sources of water infiltration	8-11 pts.
Major mechanical or electrical failure(s)	6 pts.
Average condition for unrestored courthouse	4 pts.
Single issue for restored courthouse	2 pts.
None apparent	0 pts.

Recommendation #3

- a) Change the range of scores in the endangerment category to improve distinction between the severity of issues present by adding two additional scores and classifications at the upper end of the scale.

Required Action:

1. Amend the endangerment category to include additional scores and classifications as described above and publish the new scoring system along with the Round XIV grant application materials.

Notes from the 2018 Courthouse Advisory Committee's Recommendations Related to Emergency Grant Applications and Awards

The 2018 CAC spent a significant amount of time discussing and considering emergency grants and provided recommendations and a new definition for how to evaluate emergency proposals and determine which met the requirements for emergency funding. The 2018 CAC did not provide separate definitions for out-of-cycle emergencies or emergency scopes appropriate to fund for a previously restored courthouse. Please see the relevant section of the 2018 recommendations, highlighted in gray below.

With the preservation of Texas courthouses as the goal of the program and the knowledge of past historical occurrences of fires and other tragedies that destroyed them, allowances for “emergency” grants have been made. These grants are typically smaller and address a single issue that could cause total loss or extensive damage to the building. On occasion, such as the tragic fire at the Newton County Courthouse, the program has awarded major funding to undertake more extensive re-building or a larger scope.

Grants to address emergencies initially were limited in frequency to perhaps as many as three (3) per grant cycle; however, once program appropriations declined in 2010, the program focused efforts towards smaller emergency projects. Concurrently, as the fewer “Full Restoration” projects were undertaken, the need for planning grants to produce shovel-ready projects also decreased in recent grant cycles. Staff sought the Committee members opinion on these “emergency” projects.

There was a strong consensus among committee members that a so-called “emergency” may be the result of deferred maintenance but that an actual emergency usually occurs suddenly and requires urgent action. A few committee members noted that decisions by previous administrations to ignore maintenance could indeed lead to a critical situation that is a dire need. While the committee members supported use of grant funding to address a catastrophic situation, they agreed that there should be a reasonable limit on the number of “emergency” grants awarded to a single recipient and that the definition of what constitutes an emergency should be clarified by staff

It was also noted that while many counties carry adequate insurance coverage, some do not and these courthouses are at risk. Further it was noted even in the case of a catastrophe, unless the county has an approved Preservation Master Plan, they are ineligible to receive program assistance.

2018 Courthouse Advisory Committee Recommendation #3

- a) Establish by rule and policy a clearer definition of what types of projects are eligible to receive funding on an emergency basis.
- b) Formalize an expedited process for emergency grant funds to be awarded outside the regular application cycle.
- c) Set aside a reserve to be used for emergency grants as needed.

- d) Inform all counties of their Preservation Master Plan status and explain the risks and benefits of having/not having an approved Preservation Master Plan.

Required Action:

- Amend the program rules (13 Tex. Admin. Code §12.9(d)(2)) to define an emergency as “caused by a catastrophic event, a recently discovered condition that threatens the building with imminent and severe damage or critical repairs needed to correct accelerating damage from long-term deferred maintenance”.
- Formalize a process, by amending the program rules if necessary, for accepting and evaluating emergency grant applications and awarding grant funds quickly, and out of cycle.

STATUS OF 2018 RECOMMENDATIONS: In 2018, the process implemented was for counties to submit a formal letter and backup documentation that demonstrated the urgency of the issue, along with cost estimates, but the process was not widely publicized. The Committee and staff now recommend a more formal and public process for requesting emergency grant funds out-of-cycle. The administrative rules were not amended in 2018 to add this definition of emergency. The rules provide general parameters for the Commission’s grantmaking authority, including the ability to award grants outside of a competitive cycle for “emergency repairs necessary to address or prevent catastrophic damage to the courthouse”. The Courthouse Advisory Committee’s recommended definition of an emergency is publicized in grant application materials.

Emergency Definition and Appropriate Scopes of Work for Previously Restored Courthouses

The program’s definition for an emergency specifically includes addressing conditions that developed because of deferred maintenance, which can be considerable on an un-restored courthouse. However, the program invests significant funding to fully restore a courthouse, and the expectation is that counties must invest in maintaining their courthouse once it has been restored. Thus far, every county that has received full restoration funding has granted the THC an easement of some term, requiring the county to maintain the courthouse in the condition it was in at the conclusion of the grant-funded work. Because of this, emergency issues that arise due to deferred maintenance are not appropriate to address with an emergency grant for a previously restored courthouse, and a narrower definition of an emergency is necessary for this grant category.

A grant-funded full restoration includes all new mechanical, electrical, and plumbing systems, and the need for replacement at the end of the system’s service life can be predicted and is firmly the county’s responsibility.

Occasionally, unexpected issues arise with an item of work completed during the full restoration. In that case, if the county pursues reasonable remedies to hold the responsible party accountable to resolve the issue(s) but is unsuccessful, the program can award an emergency grant for a previously restored courthouse to address issues related to poor quality design or construction.

A restored courthouse may experience a catastrophic and unexpected event that partially damages the building, and the program can award an emergency grant for a previously restored courthouse to supplement an insurance claim in order to restore the building to its condition following the restoration. Counties are required to maintain historic replacement value insurance on a restored courthouse, so the difference between the cost of the work and the insurance payout should be negligible.

The Committee and staff do not recommend that THCPP consider applications from counties to “complete a full restoration” by accomplishing a scope of work that was not included in their full restoration project, such as elements that were removed during value engineering. Previously restored courthouses should only be considered for emergency grant funding, and applications for previously restored courthouses should be evaluated using the scoring system for emergency grants for previously restored courthouses. In addition to the scopes of work that are eligible for consideration, the required local match for an emergency grant for a previously restored courthouse is at least 50%, as opposed to at least 15% in the category of full restoration.

Recommendation #4

- a) Establish by policy a clear definition of what types of projects and scopes of work are eligible to receive emergency funding for previously restored courthouses.
- b) Remove the option for counties with fully restored courthouses to “complete a restoration” and only consider emergency applications from counties with fully restored courthouses.

Required Action:

1. In program policy and grant application materials, define an emergency that can be considered for emergency grants for previously restored courthouses as “caused by a catastrophic event or a recently discovered condition that threatens the building with imminent and severe damage”.
2. Define the general scope of work that will be considered for emergency grants for previously restored courthouses on the program webpage and application materials: work proposed for grant funding cannot be related to deferred maintenance or anticipated cyclical repairs or system replacements.
3. Formalize by policy and publicize that previously restored courthouses are only eligible to apply for emergency funding.
4. In grant application materials, remove the following statement: “Occasionally the THC agreed to remove scope from a grant-funded full restoration. In those rare cases, applicants with previously restored courthouses may apply for a Full Restoration grant to complete a full restoration scope” and clearly state that previously restored courthouses are only eligible to apply for emergency funding at the higher local match of 50%.

Out-of-Cycle Grant Funding

Grant recipients may apply for supplemental funding to address unforeseen issues that arise during construction, and counties without an active grant may apply for emergency funding at any time. Parameters for out-of-cycle grant requests are not currently publicized on the THCPP web pages. The Committee and staff agree an application guide and form should be developed for greater transparency and predictability for applicants.

Emergency Definition and Appropriate Scopes of Work for Out-of-Cycle Emergency Grant Requests

For out-of-cycle emergency grants, the Committee and staff recommend narrowly defining the issues that can be considered. An emergency should present an imminent threat to life or property or present an issue that would cause a courthouse to be vacated or severely damaged if not addressed urgently. It should emerge outside of the courthouse grant cycle, such as a natural or manmade disaster or a newly discovered structural issue. The application should make a case for why immediate funding is needed to address the situation.

Recommendation #5

- a) Establish by policy a clear definition of what types of projects are eligible to receive emergency funding outside the competitive grant cycle.
- b) Amend the program policies to include a definition of emergency for out-of-cycle funding that establishes a higher threshold than for in-cycle funding.
- c) Formalize an expedited process for emergency grant funds to be awarded outside the regular competitive application cycle.
- d) Set aside a reserve from each grant cycle's appropriation that can be used for emergency grants out-of-cycle as needed.
- e) Inform all counties of their Preservation Master Plan status and explain the risks and benefits of having/not having an approved Preservation Master Plan.

Required Action:

1. Create a formal application for emergency grant requests out-of-cycle that includes a description of the urgency of the work and a maximum timeframe for addressing the issue as determined by a professional, relevant analyses by professionals, a professional cost estimate for the work, a request that includes a minimum 30% local match (or a minimum 50% local match for previously restored courthouses), and a resolution signed by a majority of the commissioners' court supporting the request.
2. In program policy and grant application materials, define an emergency that can be considered outside the competitive grant cycles. Definition: "As determined by a professional, the building needs immediate stabilization to prevent partial or total loss, or a building condition poses significant risk to character-defining features or to the building's users if the issue isn't addressed immediately."
3. Publicize the process for requesting emergency grants out-of-cycle on the program webpage, including a formal application, deadlines in relation to quarterly meetings of the Texas Historical Commission, and the scoring system that will be used to evaluate submittals. Applications must be received by **5:00 PM at least 60 days before the quarterly meeting** at which the Commission will consider the funding. Application materials must make clear that awards are **dependent on the availability of funding.**
4. Publicize the scopes of work that will be considered and those that will not be considered for out-of-cycle emergency grant funding: the scope of work must address extremely urgent issues that fall under the definition as outlined in #2 above.
5. Emphasize that out-of-cycle emergency funding shall be used to accomplish the minimum scope required to preserve the building or the lives of its users or allow for continued use of the building while awaiting the next competitive grant cycle or until the grant recipient can self-fund a more complete project.
6. Publicize that emergency grants cannot be considered out-of-cycle if there was an opportunity for the county to submit a grant application as part of a competitive grant cycle.
7. Staff shall score emergency grant requests out-of-cycle using the same scoring criteria as used during competitive grant cycles. Staff will present the scoresheet along with a project proposal to the Architecture Committee and Commission for consideration when determining funding.

Supplemental Funding

Since the earliest THCPP rounds, the Commission has awarded supplemental funding to help counties address unforeseen scopes of work that arise during or after construction projects. Less frequently, the Commission has awarded supplemental funding to help counties with significant cost-overruns or to address issues that arise after a construction project has closed-out, such as the September 2023 Executive Committee assisting projects impacted by supply chain issues following Covid and the Commission addressing acoustic issues discovered after the completion of the earliest rounds of full restoration projects. While supplemental funding typically addresses

unforeseen work items, there may be circumstances when an important element that was initially value engineered out of the project with approval by the THC is later determined to be necessary by the team.

As outlined in each round's construction grant manual, the process for requesting supplemental funding is for the grant recipient to submit a letter requesting additional funds and explaining why the scope of work was not initially included in the project, accompanied by a professional cost estimate for the work.

Currently, the administrative rules for the THCPP provide the Commission substantial leeway on how and when to award supplemental funding to address a variety of needs that can arise during a project or after it has been completed (13 Tex. Admin. Code §12.9(d)(2)). Staff recommend continuing to provide flexibility and discretion to the Commission in determining whether to award funding to closed-out projects or for scopes of work that may or may not be unforeseen. Staff also recommend implementing a more formal application process that will require grant recipients to complete a simple application form that collects information such as the current project cost and local match, a log of Change Orders that document the increases and decreases in cost and scope, the current contingency balance, any construction allowances related to the work, a description of the additional scope of work, why the work is critical to the quality and/or historic value of the property, and any changes to the project schedule.

Recommendation #6

- a) Create a formal application for supplemental funding requests.
- b) Publicize the process and parameters for requesting supplemental funding on the program webpage and continue to publish the process and parameters in the appropriate Grant Manual(s).

Required Action:

1. Create a formal application for supplemental funding requests that includes a description of the work, its significance to the project, and why it was not included in the original project; a current log of change orders; a current total project cost and the contingency balance; a professional cost estimate for the additional work; the expectation to provide a match consistent with the percentage the county committed to in the initial grant application; and a resolution signed by a majority of the commissioners' court supporting the request.
2. Publicize the process and parameters for requesting supplemental funding on the program webpage and in the appropriate Grant Manual(s), including parameters for what will be considered for supplemental funding, a formal application, and deadlines in relation to quarterly meetings of the Texas Historical Commission. Applications must be received by **5:00 PM at least 60 days before the quarterly meeting** at which the Commission will consider the funding. Application materials must make clear that awards are dependent on the availability of funding.