



National Register of Historic Places National Historic Landmarks Program Cultural Resources, Partnerships, and Science National Park Service, Washington, D.C.

Fact Sheet: Owner Objection to Listing or Designation

Background. National Register of Historic Places and National Historic Landmark (NHL) regulations provide a property owner an opportunity to object to the nomination of their property for listing or designation of their property, or to its inclusion in either a National Register-listed or NHL-designated historic district. These regulations require that owner objections be notarized. The relevant regulations may be found at 36 C.F.R. § 60.6 (SHPO-submitted nominations); 36 C.F.R. § 60.10 (Concurrent State and Federal Nominations); 36 C.F.R. § 60.9 (Nominations by Federal Agencies); and 36 C.F.R. § 65.5 (NHL designations). However, Section 1746 of Title 28 of the U.S. Code provides a generally acceptable alternative to these notarization requirements.

Alternative to Notarized Objections. Federal law provides a mechanism for non-notarized owner objections to be considered valid: such objections must be made under penalty of perjury consistent with 28 U.S.C. § 1746. This alternative may ease the burden on some property owners who have objected to the burden of notarizing objections, especially during a time when access to public services, such as notary services, may be limited, while serving to ensure the veracity of information submitted.

State or Local Laws. Depending on the jurisdiction, there may be state or local laws that require an owner objection be notarized or that provide an alternative to a notarization requirement, similar to 28 U.S.C. § 1746. While the National Park Service cannot provide advice regarding the interpretation or requirements of state or local laws—must a state or municipality accept non-notarized objections? are states or municipalities required to change their own nominating processes?—neither state nor local laws affect the National Park Service’s obligations under Federal law. That is, the National Park Service will count objections that comply with 28 U.S.C. § 1746 as valid objections for the purpose of determining whether a majority of owners object to listing a property in the National Register or designating a property as an NHL.

Recommended language. The National Park Service recommends non-notarized owner objections use the following language.

- If executed within the United States, its territories, possessions, or commonwealths

“I declare [or certify, verify, or state] under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Printed Name][Signature]

- If executed outside the United States

“I declare [or certify, verify, or state] under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on [date]. [Printed Name][Signature]

A sample owner objection form is attached.

**Sample
Non-Notarized
Owner Objection to Listing or Designation**

I, _____, represent that I own the
property at

and that as owner of said property, I object to listing of the property in the National Register of Historic
Places and/or its designation as a National Historic Landmark.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

Date

Printed Name

Signature