



**Durham CAN**  
**(Congregations, Associations and Neighborhoods)**  
732 Ninth Street, #604, Durham, NC 27705  
(919) 627-1769 [www.DurhamCAN.org](http://www.DurhamCAN.org)

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Date: February 16, 2021

To: Housing Authority of City of Durham  
The City of Durham, Community Development Department  
North Carolina State Historic Preservation Officer

Re: Non-concurrence with MOA for the resolution of effects at 519 Main Street (formerly Oldham Towers) and Liberty Street Apartments.

The public notice and documentation standards outlined in Section 106 of the National Historic Preservation Act of 1966 (NHPA) are important tools “for citizens to lend their voice in protecting and maintaining historic properties in their communities” -- in fact, the regulations consider the views of the public as *essential* to the Section 106 process. What makes a property or building historic is not simply the external validation or labeling of an outside entity, but because of the people who inhabit it, the lives they built there and the community they created within that space. Considering the import of public engagement in this process, the significant investment of public funding and public trust in the City and Durham Housing Authority’s (DHA) redevelopment plans, and the failure of the City and DHA to meet the public notice and documentation requirements as outlined in 36 CFR 800, we cannot concur with the MOA.

During the November 19, 2020 discussion with staff from the City’s Office of Community Development (CDD) and DHA, Durham CAN raised concerns about the lack of public notice as required under 36 CFR 800.2(d); the receipt of the MOA with the first page removed; the lack of documentation provided to the public as required under 36 CFR 800.11, the lack of communication about the MOA with current Liberty Street/Oldham Tower residents, neighbors (such as First Presbyterian Church -- a Durham CAN member institution and neighbor), the City’s Affordable Housing Implementation Committee and other organizations that work on issues of housing or preservation in Durham. We submitted our [written comments](#) to CDD.

In our follow up conversation with CDD and DHA staff on Monday, February 15, 2021, we requested that DHA and CDD publicly republish the complete MOA and the documentation listed under 36 CFR 800.11(e) -- which were not included [in the City’s public notice](#) -- for the minimum statutory period as a way to cure the public notice deficiencies. They agreed to do so going forward but did not want to restart a public notice process. As such, we reaffirm our non-concurrence with the MOA. We appreciate the invitation from CDD and DHA to discuss how to avoid these missteps in the future, and to ensure that redevelopment of public housing located on public land, funded by public subsidy and taxes paid by the public, and administered by public agencies, can better acknowledge and affirm the expectation and demand that communities be the drivers of their destiny.

Sincerely,  
Durham CAN Strategy Team and Durham CAN Clergy Caucus Co-Chairs