

**SB 2633**

# BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

THE VOICE OF CONSTRUCTION IN HAWAII

## 2014 Officers

### President

Brian K. Adachi  
BKA Builders, Inc.

### President-Elect

Richard Hobson, Jr.  
Gentry Homes, Ltd.

### Vice President

Craig Washofsky  
Servco Home & Appliance Distribution

### Treasurer

Guy J. Shindo  
First Hawaiian Bank

### Secretary

Evan Fujimoto  
Graham Builders, Inc.

### Special Appointee-Builder

Paul D. Silen  
Hawaiian Dredging Construction Co., Inc.

### Special Appointee-Builder

Mark Kennedy  
HASEKO Construction Management  
Group, Inc.

### Special Appointee-Associate

Dean Uchida  
SSFM International, Inc.

### Immediate Past President

Greg Thielen  
Complete Construction Services Corp.

### Chief Executive Officer

Karen T. Nakamura  
BIA-Hawaii

## 2014 Directors

### Anthony Borge

RMA Sales

### Carleton Ching

Castle & Cooke Hawaii, Inc.

### Chris Cheung

CC Engineering & Construction, Inc.

### Clifton Crawford

C&J Contracting, Inc.

### Eric Bass

D.R. Horton, Schuler Division

### Gary T. Okimoto

Honolulu Wood Treating

### Lili Shintani

Alan Shintani, Inc.

### Mark Hertel

Inter-Island Solar Supply, Oahu-Maui-  
Hawaii-Kauai

### Marshall Hickox

Homeworks Construction, Inc.

### Michael Watanabe

JW, Inc.

### Ryan Engle

Bays Lung Rose & Holma

### Stephen Hanson

simplicityHR by ALTRES

## Testimony to the Senate Committees on Technology and the Arts, and Water and Land

Wednesday, February 19, 2014

1:05 p.m.

Conference Room 225

### RE: SENATE BILL NO. 2633 RELATING TO HISTORIC PROPERTY

Dear Chairs Wakai and Solomon, and Vice Chairs Nishihara and Galuteria, and members of the committees:

My name is Gladys Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

BIA-HAWAII *supports the intent* of S.B. 2633, which would amend the definition of "historic property" to add that the property shall meet the criteria or possess the characteristics to be entered into the Hawaii register of historic places.

However, we recommend this Committee reconsider the language in S.B. 2672, exempting single-family residences from SHPD review entirely unless they are on a list of historic places, which was previously deferred.

The concern we have regarding S.B. 2633 is that someone, probably at the County when the building permit is being processed, would have to make a "judgment or determination" that the property ". . . meets the criteria or possess the characteristics to be entered into the Hawaii register of historic places."

While we support the intent of S.B. 2633, we believe the language places too much of a burden on the County to make these individual determinations and as such, may result in all permits being referred to SHPD for their review, which is currently the case.

If this Committee will pass S.B. 2633 out, **we recommend the revised definition of "historic" in H.B. 1678 HD1**; "Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, [which] that is over fifty years old[-]; provided that historic property shall not include any private residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places." This revised definition removes the burden of the County making a determination and thus immediately reduces the number of building permits being routed to the State Historic Preservation Division (SHPD).

Honorable Glenn Wakai, Chair  
Senate Committee on Technology and the Arts  
Honorable Maiama Solomon, Chair  
Senate Committee on Water and Land  
February 19 2014  
Testimony of BIA-Hawaii

H.B. 1678 H.D. 1 provides **clear** guidelines, allowing the Counties to process the bulk of permits being referred to SHPD now.

For these reasons, we prefer the language in S.B. 2672, but if this Committee will move on S.B. 2633, then we recommend the revised definition of "historic" in H.B. 1678 H.D. 1. We believe that the proposed language in either of these measures would allow for the bulk of work on residential structures to move forward without unnecessary delays, and allow SHPD to focus on residences that are worthy to be placed on the Hawaii Register of Historic Places.

Thank you for the opportunity to express our views on this matter.



# Chamber of Commerce HAWAII

*The Voice of Business*

**Testimony to the Senate Committee on Technology and the Arts and Committee on Water and Land**

**Wednesday, February 19, 2014 at 1:05 p.m.  
Conference Room 225**

**RE: SENATE BILL NO. 2633 RELATING TO HISTORIC PROPERTY**

Chairs Wakai and Solomon, and Vice Chairs Nishihara and Galuteria, and members of the committees:

The Chamber **supports** S.B. 2633 which would amend the definition of "historic property" to add that the property shall meet the criteria or possess the characteristics to be entered into the Hawaii register of historic places.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

As you are aware, the Chamber supported a similar bill, S.B. 2672 which would remove, from the definition of historic property, any private residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places. It also clarifies that nothing in Chapter 6E, Hawaii Revised Statutes, shall be construed to require a review by the Department of Land and Natural Resources for a private residence fifty or more years old that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places.

The concern we have regarding the proposed language in S.B. 2633 is that someone, probably at the County when the building permit is being processed, would have to make a "judgment or determination" that the property ". . . **meets the criteria or possess the characteristics** to be entered into the Hawaii register of historic places."

While we support the intent of the bill, we believe that the language places too much of a burden on the County to make these individual determinations and as such, may result in all permits being referred to SHPD for their review, which is currently the case. Alternatively, if SHPD is required to provide clear guidelines (i.e. houses in track subdivisions would not meet the criteria or possess the characteristics to be considered for entry on the Hawaii register of historic places), then the Counties may be able to process the bulk of permits being referred to SHPD now.

For these reasons, we prefer the language in S.B. 2672 which would simply remove, from the definition of historic property, any private residences that have not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places.



# Chamber of Commerce HAWAII

*The Voice of Business*

The bill focuses only on vertical residential structures and does not apply to any subsurface work.

We believe that the proposed language in S.B. 2672 would allow for the bulk of work on residential structures to move forward without unnecessary delays, and allow SHPD to focus on residences that are worthy to be placed on the Hawaii Register of Historic Places.

Thank you for the opportunity to express our views on this matter.

# HISTORIC HAWAII FOUNDATION



**TO:** Senator Glenn Wakai, Chair  
Senator Clarence K. Nishihara, Vice Chair  
Committee on Technology and the Arts

Senator Malama Solomon, Chair  
Senator Brickwood Galuteria, Vice Chair  
Committee on Water & Land

**FROM:** Kiersten Faulkner, Executive Director  
Historic Hawaii Foundation

**Committee:** Wednesday, February 19, 2014  
1:05 p.m.  
Conference Room 225

**RE: SB 2633, Relating to Historic Property**

On behalf of Historic Hawaii Foundation (HHF), I am writing in **strong support for SB2633**. The bill would amend Hawai'i Revised Statutes §6E to amend the definition of historic property to add that the property shall meet the criteria or possess the characteristics to be entered into the Hawai'i register of historic places.

The constitution of the State of Hawai'i recognizes the value of conserving and developing the historic and cultural property within the State for the public good, and the Legislature has declared that it is in the public interest to engage in a comprehensive program of historic preservation at all levels of government to promote the use and conservation of such property for the education, inspiration, pleasure and enrichment of its citizens.

In order to meet this mandate and to ensure that the historic and cultural resources of Hawai'i are treated appropriately, it is necessary to have a framework based on criteria and standards to define and differentiate which properties are subject to the state's historic preservation program.

Currently, HRS §6E-2 defines historic properties as any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old. This definition has the advantage of being simple to understand and simple to evaluate, as it relies on a single piece of data: age of construction.

However, that definition is also unnecessarily broad, and assumes that age is equivalent to historic importance. Within the discipline and practice of historic preservation, there are two additional criteria used to screen properties: historic **significance** and **integrity**.

The standard of whether or not a property qualifies for designation on the National or Hawai'i State Register of Historic Places (typically called a "determination of eligibility") is the most common baseline for

evaluating historic properties. This determination first examines the intrinsic qualities that describe the property's significance, which is the historic importance or association. Significance is commonly referred to by the relevant section of the eligibility criteria for the historic register, which are summarized as:

- A. Historical events;
- B. Historical persons;
- C. Design patterns or construction; or
- D. Data or information potential.

The second criterion for eligibility is historic integrity, which are those elements of a historic property that convey any or some of its significance. Integrity assesses whether or not a "preservable" entity still exists that would be recognizable by the group that used the property historically. The elements of integrity are location, setting, design, materials, workmanship, association and feeling.

By amending the state's definition of historic property to include only those that meet the cumulative standards of age, significance and integrity (collectively, meeting the criteria or possessing the characteristics to be entered into the Hawai'i register of historic places), there will be a respected, credible and disciplined way to prioritize the truly historic properties from those that are merely old.

It would also bring the state's definition into line with the standards and implementing regulations of the National Historic Preservation Act, which is used for all federal undertakings, which applies to all properties that are eligible for the National Register of Historic Places.

Historic Hawai'i Foundation believes this refinement of the definition would further the cause of preserving the historic and cultural resources of the State, while narrowing the focus of the historic preservation program to the appropriate priorities.

**Therefore, Historic Hawai'i Foundation supports SB2633 and respectfully asks the committee to approve the bill as is.**

Thank you for the opportunity to comment.

**Karen Dang**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 14, 2014 5:33 PM  
**To:** TECTestimony  
**Cc:** prentissc001@hawaii.rr.com  
**Subject:** Submitted testimony for SB2633 on Feb 19, 2014 13:05PM

**SB2633**

Submitted on: 2/14/2014

Testimony for TEC/WTL on Feb 19, 2014 13:05PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Prentiss	Individual	Support	No

Comments: This bill is very important to homeowners who want to improve their homes that are over 50 years old but not otherwise historic. For example, most homes in Kailua are over 50 years old. Please support.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



TO: Senator Glenn Wakai, Chair  
Senate Committee on Technology and the Arts

Senator Malama Solomon, Chair  
Senate Committee on Water and Land

FROM: Sara L. Collins, Ph.D., Legislative Chair  
Society for Hawaiian Archaeology  
sara.l.collins.sha@gmail.com

HEARING: Wednesday, February 19, 2014 1:05 PM, Room 225

SUBJECT: Comments on SB 2633, Relating to Historic Property

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. SB 2633 proposes to amend Chapter 6E-2, Hawaii Revised Statutes (HRS) pertaining to Historic Preservation by amending the current definition of "historic property" to add that the property shall meet the criteria or possess the characteristics to be entered into the Hawaii Register of Historic Places (HRHP).

The State Historic Preservation Division (SHPD) has come under sustained criticism for the high number of late and outstanding regulatory reviews of materials sent to the agency, especially by the counties. The SHPD has been working with the City and County of Honolulu (CCH) in particular to identify county permit actions that need not undergo a historic preservation review pursuant to Chapter 6E-42. The SHPD has been advised by the Department of the Attorney General that the definition of "historic property" in Chapter 6E-2 must be revised in order to allow SHPD to exclude certain types of actions or properties from these regulatory reviews. We agree with these operational goals but do not believe that the proposed amendment in SB 2633 will accomplish them.

If this amendment to Chapter 6E-2, HRS were passed, it would mean that, within the project review processes mandated under Chapters 6E-8 and 6E-42, only projects that *may* affect historic properties that are (1) over fifty years old, *and* (2) meet the HRHP criteria would even be submitted to SHPD for review. In our experience, there are very few people in the state and county agencies submitting projects to SHPD for review who are qualified to make such determinations, and most of these individuals work at SHPD. The reality is that the vast majority of potentially significant historic properties have never been evaluated to see if they meet the HRHP criteria, especially archaeological sites, including subsurface deposits that could contain burials. Furthermore, it is SHPD's responsibility to make the final determination of HRHP eligibility even when a qualified historic preservation professional prepares a historic properties report as part of a permit application or other type of project review.

In addition, the proposed amendment would reverse a deliberate trend in Hawai'i to separate the national and state register process from the State's regulatory review process, in part to avoid confusion. Our experience over the years has shown that people repeatedly confuse eligibility for or meeting the criteria to be placed on the HRHP with actually being on the HRHP. Consequently, people come to believe that the historic preservation review process does not apply to their project because no historic properties in their project area are listed on the HRHP.

While we appreciate the intent of the proposed amendment, we are uncertain that, if adopted, the amended language will solve the problems said to exist with the current wording.

Thank you for the opportunity to provide comments on SB 2633. Should you have any questions, please feel free to contact me at the above email address.



P.O. Box 757  
Kailua, HI 96734  
Ph. (808) 263-4900  
Fax (808) 263-5966  
[www.ccs-hawaii.com](http://www.ccs-hawaii.com)

February 18, 2014

Testimony to the Senate Committees on Technology and the Arts, and Water and Land

Wednesday, February 19, 2014 1:05 p.m. Conference Room 225

RE: SENATE BILL NO. 2633 RELATING TO HISTORIC PROPERTY

Dear Chairs Wakai and Solomon, and Vice Chairs Nishihara and Galuteria, and members of the committees:

My name is Greg Thielen I am a small business owner and a General Contractor with more than 20 years of experience in the construction industry in Hawaii.

I support the intent of S.B. 2633, which would amend the definition of "historic property" to add that the property shall meet the criteria or possess the characteristics to be entered into the Hawaii register of historic places.

However, we recommend this Committee reconsider the language in S.B. 2672, exempting single-family residences from SHPD review entirely unless they are on a list of historic places, which was previously deferred.

The concern we have regarding S.B. 2633 is that someone, probably at the County when the building permit is being processed, would have to make a "judgment or determination" that the property ". . . meets the criteria or possess the characteristics to be entered into the Hawaii register of historic places."

While we support the intent of S.B. 2633, we believe the language places too much of a burden on the County to make these individual determinations and as such, may result in all permits being referred to SHPD for their review, which is currently the case.

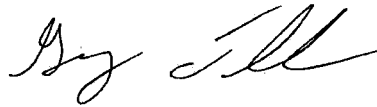
If this Committee will pass S.B. 2633 out, we recommend the revised definition of "historic" in H.B. 1678 HD1: "Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, [which] that is over fifty years old[.]; provided that historic property shall not include any private residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii

register of historic places." This revised definition removes the burden of the County making a determination and thus immediately reduces the number of building permits being routed to the State Historic Preservation Division (SHPD).

For these reasons, we prefer the language in S.B. 2672, but if this Committee will move on S.B. 2633, then we recommend the revised definition of "historic" in H.B. 1678 H.D. 1. We believe that the proposed language in either of these measures would allow for the bulk of work on residential structures to move forward without unnecessary delays, and allow SHPD to focus on residences that are worthy to be placed on the Hawaii Register of Historic Places.

Thank you for the opportunity to express our views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Thielen". The signature is fluid and cursive, with the first name "Greg" being more prominent than the last name "Thielen".

Greg Thielen  
President/RME