
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. According to the United States Census Bureau
2 and the department of business, economic development, and
3 tourism statistics, nearly forty per cent of private residences
4 on Oahu were built in 1969 or earlier. In certain census
5 tracts, this number is as high as eighty-five per cent.

6 Hawaii law provides that any building, structure, object,
7 district, area, or site over fifty years old is considered
8 historic property. Further, current application of historic
9 preservation law requires review by the state historic
10 preservation division of the department of land and natural
11 resources prior to the granting of permits for proposed projects
12 on historic properties. This requirement, in certain instances,
13 has delayed the granting of permits, which has had a negative
14 impact on development. As nearly forty per cent of residential
15 properties on Oahu have reached or are approaching fifty years
16 of age, it is prudent for the State to reexamine the current
17 processes and procedures regarding historic properties.

18 The purpose of this Act is to:



- 1 (1) Include only buildings, structures, objects,
2 districts, areas, or sites that are included in or
3 eligible for inclusion in the Hawaii register of
4 historic places in the definition of "historic
5 property";
- 6 (2) Exempt residences not included in or eligible for
7 inclusion in the Hawaii register of historic places
8 and projects determined by the department of land and
9 natural resources to not affect historic properties
10 from historic preservation review by the department in
11 connection with applications for project or land use
12 permits;
- 13 (3) Require the department of land and natural resources
14 to develop a list of types of projects that have no
15 potential to affect a historic property and a list of
16 the types of properties likely to be eligible for
17 inclusion in the Hawaii register of historic places
18 and to provide those lists to the counties; and
- 19 (4) Require the department of land and natural resources
20 to develop a plan for completing a comprehensive
21 inventory of historic buildings in the State.



1 SECTION 2. Section 6E-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "historic property" to
3 read as follows:

4 "Historic property" means any building, structure, object,
5 district, area, or site, including heiau and underwater site,
6 [which] that is [ever fifty years old.] included in or eligible
7 for inclusion in the Hawaii register of historic places."

8 SECTION 3. Section 6E-42, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§6E-42 Review of proposed projects.** (a) Before any
11 agency or officer of the State or its political subdivisions
12 approves any project involving a permit, license, certificate,
13 land use change, subdivision, or other entitlement for use,
14 which may affect historic property, aviation artifacts, or a
15 burial site, the agency or office shall advise the department
16 and prior to any approval allow the department an opportunity
17 for review and comment on the effect of the proposed project on
18 historic properties, aviation artifacts, or burial sites,
19 consistent with section 6E-43, including those listed in the
20 Hawaii register of historic places. If:

21 (1) The proposed project consists of corridors or large
22 land areas;



1 (2) Access to properties is restricted; or
2 (3) Circumstances dictate that construction be done in
3 stages,
4 the department's review and comment may be based on a phased
5 review of the project; provided that there shall be a
6 programmatic agreement between the department and the project
7 applicant that identifies each phase and the estimated timelines
8 for each phase.

9 (b) Residences not included in or eligible for inclusion
10 in the Hawaii register of historic places, and projects
11 determined by the department to have no potential to affect
12 historic properties in accordance with the requirements of Act
13 , Regular Session of Hawaii 2014, shall not be subject to
14 review by the department pursuant to this section and shall not
15 be submitted to the department for review.

16 ~~[(b)]~~ (c) The department shall inform the public of any
17 project proposals submitted to it under this section that are
18 not otherwise subject to the requirement of a public hearing or
19 other public notification.

20 ~~[(e)]~~ (d) The department shall adopt rules in accordance
21 with chapter 91 to implement this section."



1 SECTION 4. (a) The department of land and natural
2 resources shall:

3 (1) Develop a list of the types of projects that have no
4 potential to affect a historic property and provide
5 the list to the counties no later than October 1,
6 2014; and

7 (2) Develop a list of the types of properties likely to be
8 eligible for inclusion in the Hawaii register of
9 historic places and provide the list to the counties
10 no later than January 2, 2015.

11 (b) Properties not included in or eligible for inclusion
12 in the Hawaii register of historic places and projects of the
13 types identified in the list developed pursuant to subsection
14 (a)(1) shall not be subject to review under section 6E-42,
15 Hawaii Revised Statutes, and the counties shall not submit such
16 projects to the department for review under section 6E-42,
17 Hawaii Revised Statutes.

18 SECTION 5. The department of land and natural resources
19 shall develop a plan for completing a comprehensive inventory of
20 historic buildings in the State and shall submit the plan,
21 together with a proposed budget for implementation of the plan,



1 to the legislature no later than fourteen days prior to the
2 convening of the regular session of 2015.

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

DLNR; Historic Preservation; Review Exemptions; Residential Property; Inventory of Historic Buildings

Description:

Exempts from historic preservation review by the department of land and natural resources in connection with applications for project or land use permits, any residential property that is not included in or eligible for inclusion in the Hawaii register of historic places or any project that has no potential to affect a historic property. Requires the Department of Land and Natural Resources to provide the counties with a list that identifies the types of projects that have no potential to affect a historic property and the types of properties likely to be eligible for inclusion in the Hawaii register of historic places; develop a plan for completing a comprehensive inventory of historic buildings in the State; and submit a plan, together with a proposed budget, to the legislature. Effective July 1, 2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

