
A BILL FOR AN ACT

RELATING TO RESIDENTIAL PROPERTY.

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, nearly forty per cent of the existing private
4 residences on Oahu were built before 1970. 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. Furthermore, 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. In certain instances, this requirement
13 has delayed the granting of permits for a period of many months,
14 which has had an adverse effect on the construction industry.
15 Since nearly forty per cent of private residences on Oahu have
16 reached or are approaching fifty years of age, it is prudent for
17 the State to reexamine the current processes and procedures
18 regarding historic properties.



1 The purpose of this Act is to create an exemption from the
2 review requirements of section 6E-42, Hawaii Revised Statutes,
3 for proposed projects on privately-owned single-family detached
4 dwelling units that are not designated on or nominated for the
5 Hawaii or National registers of historic places, or located in a
6 historic district.

7 SECTION 2. Chapter 6E, Hawaii Revised Statutes, is amended
8 by adding a new section to be appropriately designated and to
9 read as follows:

10 "§6E- Excluded activities for privately-owned single-
11 family detached dwelling units. (a) Applications for proposed
12 projects on privately-owned single-family detached dwelling
13 units that are not designated on or nominated for the Hawaii or
14 National registers of historic places or located in a historic
15 district shall be exempt from the requirements of section 6E-42.

16 (b) For the purposes of this section, "dwelling unit"
17 means a building or portion thereof designed or used exclusively
18 for residential occupancy and having all necessary facilities
19 for permanent residency such as living, sleeping, cooking,
20 eating, and sanitation. A single-family detached dwelling is an
21 individual, freestanding, unattached dwelling unit, typically



1 built on a lot larger than the structure itself, resulting in an
2 area surrounding the dwelling."

3 SECTION 3. Section 6E-42, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) [~~Before~~] Except as provided in section 6E- , before
6 any agency or officer of the State or its political subdivisions
7 approves any project involving a permit, license, certificate,
8 land use change, subdivision, or other entitlement for use,
9 which may affect historic property, aviation artifacts, or a
10 burial site, the agency or office shall advise the department
11 and prior to any approval allow the department an opportunity
12 for review and comment on the effect of the proposed project on
13 historic properties, aviation artifacts, or burial sites,
14 consistent with section 6E-43, including those listed in the
15 Hawaii register of historic places. If:

- 16 (1) The proposed project consists of corridors or large
17 land areas;
- 18 (2) Access to properties is restricted; or
- 19 (3) Circumstances dictate that construction be done in
20 stages,



1 the department's review and comment may be based on a phased
2 review of the project; provided that there shall be a
3 programmatic agreement between the department and the project
4 applicant that identifies each phase and the estimated timelines
5 for each phase."

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

8 SECTION 5. This Act shall take effect on July 1, 2030.



Report Title:

DLNR; Historic Preservation; Review; Private Residence

Description:

Creates an exemption from DLNR review for proposed projects on privately-owned single-family detached dwelling units that are not designated on, or nominated for, the Hawaii or National Registers of Historic Places or are not located in a historic district. Defines "dwelling unit". (SD1)

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