



LAND USE RESEARCH
FOUNDATION OF HAWAII

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March 23, 2015

Senator Brian T. Taniguchi, Chair
Senator Lorraine R. Inouye, Vice Chair
Senate Committee on Higher Education and the Arts

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair
Senate Committee on Water and Land

Comments, Proposed Amendments and Support of Intent of HB 830, HD1, RELATING TO RESIDENTIAL PROPERTY (Exempts 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. Clarifies that nothing in Chapter 6E, HRS, shall be construed to require a review by the Department of Land and Natural Resources for any private residence exempted under the new "historic property" definition.) (HB830 HD1)

HEA/WTL Hearing: Monday, March 23, 2015, 3:30 p.m., in Conference Room 224

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF members recognize the cultural value in historic preservation. LURF members have preserved and maintained their historic and cultural properties, and have listed some of their properties, structures and sites on the Hawaii Register of Historic Places, based on their historic or cultural significance

LURF appreciates the opportunity to express its **SUPPORT of the intent of HB 830, HD1**. LURF also respectfully recommends the following **AMENDMENTS**:

- (1) Insert language to **broaden the application of this bill to "privately-owned residential structures,"** which would apply to non-historic residential duplexes, apartment buildings and other multi-family residential structures that are over fifty years old;
- (2) Insert language to **require SHPD to temporarily direct its resources to initiate a survey project to identify potential historic districts and**

“privately-owned residential structures” in the State that may be eligible for inclusion on the Hawaii Register of Historic Places;

- (3) Insert language to **require SHPD to notify the owner of property that may be eligible for inclusion on the Hawaii Register of Historic Places;**
- (4) Insert language to further **require SHPD to submit a report on its compliance with this measure to the Legislature** no later than twenty days prior to the convening of the Regular Session of 2018;
- (5) Insert an **appropriation amount for the Historic Preservation Special Fund**, and insert language to specify that the appropriation from the Historic Preservation Special Fund shall be used to address issues surrounding historic residential structures, including but not limited to inventorying of residential structures that are fifty years old or older; and
- (6) **Delete the repeal date.**

HB 830, HD1. This measure clarifies the definition of a “Historic property” which is required to be reviewed by the Historic Preservation Division (SHPD) of the Department of Land and Natural Resources (DLNR). The revised definition includes the following temporary categorical exclusion: *“privately owned single-family residences fifty years or older shall only be considered historic properties for the purposes of this chapter if the residence is listed on the Hawaii Register of Historic Places, is nominated for listing on the Hawaii Register of Historic Places, or is located in a Historic District.”* This measure has a defective effective date of July 1, 2050 and a repeal date is December 31, 2018.

The purposes of this measure are to:

- (1) Exempt 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; and
- (2) Clarify that nothing in chapter 6E, Hawaii Revised Statutes, is to be construed to require a review by the Department of Land and Natural Resources for a private residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places.

LURF’s Position. LURF members support the work of SHPD and agree that preserving historic properties preserves the character of neighborhoods and commercial districts; could result in reduced country real property tax assessments; allows commercial properties to seek federal tax credits; and can be an economic driver both in the historic districts and throughout the Hawaiian Islands.

Under the existing law, however, "historic property" is defined as *“any building, structure, object, district, area, or site...which is over fifty years old.”* As a result of this current broad definition that assumes age is equivalent to historic importance, there have been many private tract homes and other residences built in the 1960’s and before, that must undergo an

unnecessary and time consuming SHPD review prior to the granting of State and county permits for proposed renovations, repairs and demolition (including driveways and landscaping).

LURF understands that the broadness of the “fifty year old” definition has led to a large number of backlogged SHPD regulatory reviews and excessive delays in some of those reviews. The DLNR has confirmed that the SHPD staff time spent on the arguably unnecessary reviews of “fifty year old” tract homes and other non-historic homes prevents the SHPD from focusing on residences and other structures that are worthy to be placed on the Hawaii Register.

This measure clarifies the definition of “historic property” in a manner that will focus reviews on structures that really have historic value, rather than just blindly using the current “*over fifty years old*” criteria. The amended definition of “historic property” will provide for a more efficient review of building permit applications by each county department of planning and the SHPD; and provides the foundation for concentrating the SHPD’s valuable efforts to survey, document and provide information relating to Hawaii’s truly historic structures and resources.

For the above reasons, LURF supports the intent of HB 830, HD 1, and respectfully urges your favorable consideration of this measure, as well as the amendments proposed above.

Thank you for the opportunity to present testimony regarding this measure.