

JAN 28 2009

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# A BILL FOR AN ACT

RELATING TO HISTORIC STRUCTURES.

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

1           SECTION 1. Section 6E-2, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "Major alteration" means a modification of a structure  
5 that involves any of the following:

6           (1) An alteration to more than fifty per cent of the  
7 original structure's square footage; or

8           (2) A two story addition to a single story structure."

9           SECTION 2. Section 6E-8, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11           "(a) Before any agency or officer of the State or its  
12 political subdivisions commences any project which may affect  
13 historic property, an aviation artifact, or a burial site, the  
14 agency or officer shall advise the department and allow the  
15 department an opportunity for review of the effect of the  
16 proposed project on historic properties, aviation artifacts, or  
17 burial sites, consistent with section 6E-43, especially those



1 listed on the Hawaii register of historic places. The proposed  
2 project shall not be commenced, or in the event it has already  
3 begun, continued, until the department shall have given its  
4 written concurrence. In the case of any building that is  
5 eligible for listing or is listed on the Hawaii or national  
6 register of historic places, no demolition~~[, construction, or~~  
7 ~~other alteration]~~ or major alteration of the building shall  
8 occur until after the responsible agency, officer, or county has  
9 transmitted ~~[archival quality black and white]~~ photographs of  
10 the historic building to the department.

11 The department is to provide written concurrence or non-  
12 concurrence within ~~[ninety days]~~ thirty days for commercial  
13 structures, or fifteen days for single family dwellings, after  
14 the filing of a request with the department. The agency or  
15 officer seeking to proceed with the project, or any person, may  
16 appeal the department's concurrence or non-concurrence to the  
17 Hawaii historic places review board. ~~[An agency, officer, or~~  
18 ~~other person who is dissatisfied with the decision of the review~~  
19 ~~board may apply to the governor, who may request the Hawaii~~  
20 ~~advisory council on historic preservation to report or who may~~  
21 ~~take action as the governor deems best in overruling or~~  
22 ~~sustaining the department.] "~~



1 SECTION 3. Section 6E-10, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) In the case of any building over fifty years old[~~7~~]  
4 and eligible for listing on the Hawaii or national register of  
5 historic places as those registers are defined in chapter  
6 13-198, Hawaii Administrative Rules, no demolition[~~7~~  
7 construction, or other alteration] or major alteration of the  
8 building shall occur until after the owner has transmitted to  
9 the department, at the owner's expense, [~~archival quality black~~  
10 ~~and white~~] photographs of the building."

11 SECTION 4. Section 46-3.5, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "[~~+~~]**\$46-3.5**[~~+~~] **Photographs of historic property.** (a)  
14 Notwithstanding any other law to the contrary, each county  
15 agency that issues building, construction, or development-  
16 related permits shall not issue any permit allowing the  
17 demolition[~~, construction, or other alteration~~] or major  
18 alteration of a [~~historic~~] building eligible for listing on the  
19 Hawaii or national register of historic places as those  
20 registers are defined in chapter 13-198, Hawaii Administrative  
21 Rules, until after a permit applicant provides proof of having  
22 provided the department of land and natural resources [~~with~~



1 ~~archival quality black and white]~~ photographs of the historic  
2 building, as required under chapter 6E.

3 (b) For the purposes of this section:

4 "Eligible for listing on the Hawaii or national register"

5 means a property that meets the significance criteria for:

6 (1) The national register as defined by the United States  
7 Secretary of the Interior's standards and guidelines  
8 for evaluation; or

9 (2) Listing on the Hawaii register as discussed in section  
10 13-284-6, Hawaii Administrative Rules;

11 A person meeting professional qualifications listed in  
12 chapter 13-281, Hawaii Administrative Rules, shall be deemed  
13 qualified to determine whether a property meets the significance  
14 criteria.

15 "Major alteration" means a modification of a structure that  
16 involves any of the following:

17 (1) An alteration to more than fifty per cent of the  
18 original structure's square footage; or

19 (2) A two story addition to a single story structure.

20 "Photographs" means dated pictures, taken not more than one  
21 month prior to applying for any building permit affecting the



1 exterior of the historic structure in any clearly visible  
2 format, including electronic formats.

3 "Photographs of the historic building" means at the least,  
4 pictures of the building exterior, including window treatments,  
5 doors, roof line, and interesting architectural details, such as  
6 gables, finials, rock wall foundations, or porches."

7 SECTION 5. The department of land and natural resources  
8 and the counties may convene and establish a single task force  
9 that is responsible for the following:

- 10 (1) Inventorying structures that have previously been  
11 recognized for their historic value through  
12 publically-reviewed environmental assessments or  
13 environmental impact statements from 1959 to present;
- 14 (2) Identifying structures that may otherwise be  
15 culturally or historically significant, but not  
16 individually distinctive enough to be separately  
17 registered on the Hawaii or national register; and
- 18 (3) Recommending a self-sufficient funding mechanism that  
19 will enable the state historic preservation division  
20 to help preserve a broader range of culturally or  
21 historically significant structures.



1 If a task force is convened before December 31, 2009, the  
2 task force shall report on its recommendations to the  
3 legislature no later than ten days prior to the convening of the  
4 2010 regular session.

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

7 SECTION 7. This Act shall take effect upon its approval.  
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INTRODUCED BY: Carol Furumaga

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S.B. NO. 1672

Elizabeth Chun Cleveland

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**Report Title:**

Photographs; Historic Structures; Alterations; Permits

**Description:**

Allows required photographs submitted to the DLNR to be in any format, including electronic, when engaging in a demolition or major alteration of a historic building eligible for listing on the Hawaii or national register of historic places.

