

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the Senate Committee on  
ECONOMIC DEVELOPMENT AND TECHNOLOGY**

**Friday, March 20, 2009  
9:30 AM**

**State Capitol, Conference Room 016**

**In consideration of  
HOUSE BILL 520, HOUSE DRAFT 1  
RELATING TO BUILDINGS**

House Bill 520, House Draft 1 proposes to repeal the requirement of archival photographs for permits allowing the demolition, construction, or other alteration of a historic building because of the cost in time and money. The Department of Land and Natural Resources (Department) appreciates the intent of and is working to correct the deficiencies of Act 228, Session Laws of Hawaii 2008, (Act 228). The Department offers the following comments and recommends that this measure be amended.

Act 228 created photographic standards for the documentation of historic buildings that are to be altered, demolished or impacted, by requiring owners of historic buildings are required to submit archival-quality photographs to the Department prior to the issuance of a building-related permit. The provisions in this Act apply to all privately owned and public buildings that are at least fifty years old. While fifty years is usually the age at which a building may be considered as eligible for listing on the Hawaii or National Register of Historic Places, every building over fifty years of age is not eligible for listing on the State or National Register. A structure must possess historic integrity in terms of its setting, design, materials, workmanship, location, and association in order to be eligible for listing on the these registers.

The intent of Act 228 is to ensure that a quality record of historic buildings lives on even after the buildings are demolished. While the Department and its State Historic Preservation Division acknowledges the benefit of creating an inventory of Hawaii's built environment, the Department is nonetheless concerned that this Act places a financial burden on owners of buildings over fifty years of age without considering the structure's condition. In addition, while photographs are a valuable tool for State Historic Preservation Division when reviewing applications for eligibility for listing on the state or national register, the Department certainly does not need photographs for all buildings over 50 years old nor is there the capacity to

**LAURA H. THIELEN**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**RUSSELL Y. TSUJI**  
FIRST DEPUTY

**KEN C. KAWAHARA**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

maintain an inventory of this overly-broad category of buildings. In some cases, buildings over 50 years old are not be eligible for listing on the state or national register, or may be deteriorated to such a degree that it may not warrant the expense of the archival-quality documentation or even a standard photograph for that matter. Despite these deficiencies the Department believes that Act 228 needs to be revised rather than repealed. The Department recommends that the requirement of archival photographs shall only apply to:

- 1) Demolition or major alteration to the exterior of a building over 50 years old; and
- 2) The building has been determined to be eligible for listing on the state or national register, as determined by a qualified professional, from one or more of the following entities:
  - a) The State Historic Preservation Division; or
  - b) County Certified Local Government; or
  - c) A qualified professional in a published final Environmental Assessment (EA) or Environmental Impact Statement (EIS), provided that the State Historic Preservation Division may later determine that a building initially identified as eligible listing on the state or national register in an EA or EIS is actually not eligible.

The Department requests that the State Historic Preservation Division be given 20 days to complete their review. While staff can quickly assess from a photo if a building or structure is of interest, they may need a bit more time to contact the landowner and discuss mitigation options to see if they're amendable to changes and if not, to obtain archival photographs if the building is worth documenting.

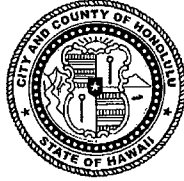
Digital photos or other types of photos are fine for the initial review. The Department would only ask for archival photos if the building is deemed by the State Historic Preservation Division important for documentation. Act 228 may need to be amended to state that the State Historic Preservation Division has the ability to request archival photos in the event the owner moves forward with the proposed construction of a building that is eligible for listing, and the proposed demolition or alterations would result in a loss of the historic integrity of the building.

Lastly, the Department would appreciate the assistance of the Legislative Reference Bureau in developing the inventory. The Department can also augment the inventory case by case as we go forward with new reviews.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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MUFI HANNEMANN  
MAYOR



DAVID K. TANOUE  
DIRECTOR  
ROBERT M. SUMITOMO  
DEPUTY DIRECTOR

March 20, 2009

The Honorable Carol Fukunaga, Chair  
and Members of the Committee on Economic  
Development and Technology  
State Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Fukunaga and Members:

**Subject: House Bill 520, HD1  
Relating to Buildings**

The Department of Planning and Permitting (DPP) **has concerns** that House Bill 520, HD1, although seeking to address some of the problems with Act 228, is not responsive enough based on the proposal to change the effective date to July 1, 2020.

Owing to the permit processing delays and hardship imposed upon the applicants by the provisions of Act 228, we feel the unintended flaws contained in Act 228 should be remedied immediately. Further, in our opinion, the provisions of Senate Bill No. 1672, SD1 adequately and appropriately addresses this need. As such, we recommend that House Bill No. 520, HD1 be filed and the provisions of Senate Bill No. 1672, SD1 be passed through legislation.

Thank you for the opportunity to testify.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David K. Tanoue", is written over a horizontal line.

David K. Tanoue, Director  
Department of Planning and Permitting

DKT: jmf  
hb520hd1-act.doc



**Senate Committee on Economic Development and Technology  
State Capitol, Conference Room 016  
415 South Beretania Street  
Honolulu, Hawaii 96813**

**Subject: House Bill No. HB 520, HD1 Relating to Buildings**

Chair Fukunaga, Vice Chair Baker and members of the committee:

My name is Jim Tollefson, President of the Chamber of Commerce of Hawaii. The Chamber of Commerce of Hawaii works on behalf of its members and the entire business community to:

- Improve the state's economic climate
- Help businesses thrive

The Chamber strongly supports H.B. No. 520, HD1 as it proposes to repeal the amendments made by Act 228, Session Laws of Hawaii 2008, which require the taking of photographs of actual or potential historic buildings before demolition, construction, or alteration of the buildings.

We understand the original intent of Act 228 was to provide for adequate documentation of old buildings in Hawaii prior to demolition. The legislation apparently was in response to the demolition of the Varsity Theater which was torn down without any photographic documentation of the building.

While we can understand and support the intent of Act 228, we have subsequently found how difficult it is to craft legislation that addresses the problem without creating "unintended consequences."

The unintended consequence has been the delays in permitting as a determination is made on whether the building is historic or not because Act 228 was not limited to demolition of the building but any modification of the building. The threshold of law only being applied to building that are fifty (50) years old or older would involve many structures around the state including all tract homes and subdivisions built prior to 1959. This would include the large tract subdivision built in parts of Hawaii Kai, Halawa, Aiea, Pearl City and Waipahu.

Since Act 228 was signed, there have been several attempts to "fix" the bill this session. However, because the law applies to any modification of a building including demolition, and there is no standard on what would constitute a "Historic Building," no resolution was reached.

While we strongly support repeal of Act 228, we also support the need for the legislature to formulate legislation to achieve a similar purpose as Act 228, but with more reasonable and practical application.

Thank you for this opportunity to express our views.

506-6659



**Hawaii Chapter  
AMERICAN PUBLIC WORKS ASSOCIATION**

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March 16, 2009

EMAILED TESTIMONY TO: [EDTtestimony@Capitol.hawaii.gov](mailto:EDTtestimony@Capitol.hawaii.gov)

Hearing: Friday, March 20, 2009; 1:15 pm, CR 016

Senate Committee on Economic Development and Technology

Honorable Senator Carol Fukunaga, Rosalyn H Baker, Vice Chair and Members

Subject: **HB 520, HD1 – Relating to Buildings**

The American Public Works Association Hawaii Chapter represents over one hundred engineering design professionals in public and private sector. **We Support HB 520, HD-1 - Relating to Buildings.** This bill proposes to fix the unintended problems created by last years Act 228, which required archival photographs for permits allowing the demolition, construction, or other alteration of a historic building. The intent was to obtain photographs of buildings eligible for listing on the Hawaii or National Register of Historic Places. The implementation of Act 228, resulted in much confusion and delays in the permit process because instead of only focusing on buildings eligible for listing on the State or National Register, it caught ALL buildings 50 years old or older.

**We highly recommend that ACT 228 be repealed and that you Support HB 520, HD-1.** The underlying problem is the inability to simply identify which buildings should be required to provide photographic documentation prior to any work being done

Thank you for an opportunity to express our views regarding this bill.

Sincerely,  
American Public Works Association, Hawaii Chapter

Lester H. Fukuda, P.E., FACEC



March 20, 2009

Senator Carol Fukunaga, Chair  
Committee on Economic Development and Technology  
State Capitol, Conference Room 016  
415 South Beretania Street  
Honolulu, Hawaii 96813

Senator Fukunaga:

Subject: **House Bill No. HB 520, HD1 Relating to Buildings**

My name is Shane Peters, President of the Hawaii Developers' Council (HDC). We represent over 200 members and associates in development-related industries. The mission of Hawaii Developers' Council (HDC) is to educate developers and the public regarding land, construction and development issues through public forums, seminars and publications.

It is also the goal of HDC to promote high ethics and community responsibility in real estate development and related trades and professions.

The HDC strongly supports H.B. No. 520, HD1 as it proposes to repeal the amendments made by Act 228, Session Laws of Hawaii 2008, which require the taking of photographs of actual or potential historic buildings before demolition, construction, or alteration of the buildings.

We understand the original intent of Act 228 was to provide for adequate documentation of old buildings in Hawaii prior to demolition. The legislation apparently was in response to the demolition of the Varsity Theater which was torn down without any photographic documentation of the building.

While we can understand and support the intent of Act 228, we have subsequently found how difficult it is to craft legislation that addresses the problem without creating "unintended consequences."

The unintended consequence has been the delays in permitting as a determination is made on whether the building is historic or not because Act 228 was not limited to demolition of the building but any modification of the building. The threshold of law only being applied to building that are fifty (50) years old or older would involve many structures around the state including all tract homes and subdivisions built prior to 1959. This would include the large tract subdivision built in parts of Hawaii Kai, Halawa, Aiea, Pearl City and Waipahu.

Since Act 228 was signed, there have been several attempts to “fix” the bill this session. However, because the law applies to any modification of a building including demolition, and there is no standard on what would constitute a “Historic Building,” no resolution was reached.

While we strongly support repeal of Act 228, we also support the need for the legislature to formulate legislation to achieve a similar purpose as Act 228, but with more reasonable and practical application.

Thank you for this opportunity to express our views.



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March 19, 2009

**The Honorable Carol Fukunaga, Chair**  
Senate Committee on Economic Development  
and Technology  
State Capitol, Room 016  
Honolulu, Hawaii 96813

**RE: H.B. 520, H.D. 1 Relating to Buildings**

**HEARING DATE: Friday, March 20, 2009 at 1:15 p.m.**

Aloha Chair Fukunaga, Vice Chair Baker and Members of the Committee,

I am Myoung Oh, Government Affairs Director for the Hawaii'i Association of REALTORS® ("HAR"), here to testify on behalf of our 9,600 members in Hawaii'i. HAR supports H.B. 520, H.D. 1, which repeals the amendments made by Act 228, Session Laws of Hawaii 2008, which require the taking of photographs of actual or potential historic buildings before demolition, construction, or alteration of the buildings.

HAR's believes that the burdensome permit requirements placed on homeowners, businesses, and industries under Act 228 needs to be addressed as soon as possible.

Accordingly, HAR supports the repeal of the Act to provide immediate relief to those who have been adversely impacted. HAR also supports continued discussions, to advance effective and workable legislation.

HAR looks forward to working with our state lawmakers in building better communities by supporting quality growth, seeking sustainable economies and housing opportunities, embracing the cultural and environmental qualities we cherish, and protecting the rights of property owners.

Mahalo for the opportunity to testify.



**The Pacific Resource  
PARTNERSHIP**



Testimony of C. Mike Kido  
External Affairs  
The Pacific Resource Partnership

Senate Committee on Economic Development and Technology  
Senator Carol Fukunaga, Chair  
Senator Rosalyn Baker, Vice Chair

**HB520 HD1 – RELATING TO BUILDINGS**

Friday, March 20, 2009

1:15 p.m.

Conference Room 016

Chair Fukunaga, Vice Chair Baker and Member of the Senate Committee on Economic Development and Technology:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Carpenters Union.

**PRP supports HB520 HD1 – Relating to Buildings, to repeal the law requiring property owners of “historic buildings” that are over fifty years old, listed or eligible for listing on the Hawaii or national register of historic places, to submit archival quality photographs prior to demolishing, constructing, or making other alterations to the building.**

With the American Recovery and Reinvestment Act of 2009 (ARRA) in place, it is critical to quickly get money into Hawaii’s economy to create and save jobs. To take maximum advantage of the federal funds, PRP believes that repealing this law and starting over to the next session, would serve in the best interest of our island community.

While we strongly support repeal of Act 228, we also support the need for the legislature to formulate legislation to achieve a similar purpose as Act 228, but with more reasonable and practical applications.

Thank you for allowing us to share our views and kindly ask for your support in HB520 HD1.

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Email: [info@gcahawaii.org](mailto:info@gcahawaii.org)  
Website: [www.gcahawaii.org](http://www.gcahawaii.org)



**GCA of Hawaii**

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

March 17, 2009

TO: THE HONORABLE SENATOR CAROL FUKUNAGA, CHAIR AND  
MEMBERS OF THE COMMITTEE ON ECONOMIC DEVELOPMENT AND  
TECHNOLOGY

SUBJECT: H.B. 520, HD1, RELATING TO BUILDINGS

**AMENDED NOTICE OF HEARING**

DATE: Friday, March 20, 2009  
TIME: 1:15 p.m.  
PLACE: Conference Room 016

Dear Chair Fukunaga and Members of the Committee:

The General Contractors Association (GCA), an organization comprised of over five hundred and sixty (560) general contractors, subcontractors, and construction related firms, **strongly supports** the passage of H. B. 520, HD1, Relating to Buildings.

While Act 228, SLH, 2008, was laudatory in concept, to preserve a pictorial record of significant historic buildings that were proposed for demolition, it had the unintended consequences of adding substantial cost and time to the demolition of buildings that were not of significant historic value but fifty years or older. The amendment proposed in H. B. 520, HD1 would correct the oversight to require archival quality photographs of structures that have historic significance and are on the state or federal historic registers.

The GCA **strongly supports** the amendments proposed in H. B. 520, HD1 and recommends its passage.

Thank you for the opportunity to provide our views on this issue.

## fukunaga4 - Michelle

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**From:** Kiersten Faulkner [Kiersten@historichawaii.org]  
**Sent:** Sunday, March 15, 2009 10:11 AM  
**To:** EDTTestimony  
**Cc:** 'Kiersten Faulkner'  
**Subject:** HB520 HD1, Relating to Buildings

**VIA EMAIL:** [EDTTestimony@Capitol.hawaii.gov](mailto:EDTTestimony@Capitol.hawaii.gov)

**To:** Senator Carol Fukunaga, Chair  
Senator Rosalyn H. Baker, Vice Chair  
Committee on Economic Development & Technology

**From:** Kiersten Faulkner  
Executive Director, Historic Hawai'i Foundation

**Committee Date:** Friday, March 20, 2009  
1:15 p.m.  
Conference Room 016

**Subject:** **HB520 HD1, Relating to Buildings**

On behalf of Historic Hawai'i Foundation (HHF), I am writing with comments and recommendations on HB520 HD1, related to repealing current law that requires the State Historic Preservation Division (SHPD) to receive photographs of historic properties prior to permitting their demolition or alteration.

### Opposition to Section 5

Although the title of the bill indicates that it would repeal Act 228 Session Laws of Hawai'i 2008, the bill's Section 5 goes further and also mandates that that no state or county agency shall require photos of *any* sort of *any* building, including those listed on the Hawai'i or National Register of Historic Places, eligible for the historic register, or over 50 years old. This would imply that a historic building designated on the State Register of Historic Places could be demolished without any photo-documentation.

This is a draconian response to a well-intentioned but poorly-executed law. It over-reaches by undermining existence protections of historic sites by removing the basic requirement for information prior to state and county action. This is true not only for buildings potentially historic, but those that have already been designated to the historic register.

If the current net is too broad by applying to too many sites, the proposed repeal is even more excessive by exempting too many sites. In seeking efficiency, the State must not sacrifice effective mechanisms to protect historic resources. Hawai'i's precious heritage is too important to be discarded so thoughtlessly.

HHF supports efforts to provide technical corrections to current law related to photo-documentation of buildings over 50 years old, but HB520 HD 1 goes well beyond that scope and would undermine other powers and responsibilities related to state and county mandates to protect historic sites. **Section 5 of the bill should be deleted in its entirety, making the bill a clean repeal of Act 228.**

### Repeal vs. Technical Corrections

While HHF agrees that Act 228 needs technical corrections, it needs to be done thoughtfully and deliberately, in a way that does not compromise the safeguards for Hawai'i's irreplaceable historic legacy.

HHF concurs that technical corrections are necessary to amend the law requiring owners of historic buildings to provide archival-quality black and white photographs of any building older than 50 years to SHPD prior to demolition, construction, or other alteration of a historic building.

Rather than repeal Act 228 completely, HHF recommends that the bill be amended to address the technical issues. If more time is needed to draft appropriate legislation and promulgate rules for efficient implementation, **HHF would support a**

**clean repeal of the provisions of Act 228 in favor of an inclusive working group to make a report and recommendation to the Legislature next year.**

Recommended Technical Corrections

The intent of the photo-documentation law is to build a photographic record of the built environment of Hawai'i, capturing images of the historic buildings prior to permitting construction or demolition activities that would alter or destroy them. However, the Act included overly broad language that does not differentiate those structures that meet the requirements of inclusion on the state register of historic places from those that do not. It also does not include definitions of the types of permits that represent substantial alteration, and it does not include standards and protocols for the types of the photographs that would meet the legislative intent.

Not all historic buildings have the level of significance that would necessitate preservation or restoration. In addition, many alteration and rehabilitation activities are benign or beneficial for the maintenance, repair and preservation of historic structures. For both ineligible buildings and insubstantial work, high quality photographs are unnecessary and present an undue burden to both applicants and government agencies.

For those structures which are historically significant and for which substantial alteration, addition or demolition is proposed, the public benefit is served by having a state depository of photographic documentation for future study, understanding the context of the site, historic analysis and a complete architectural record. For projects of this kind, technical specifications based on nationally-accepted standards should be used to provide predictability and consistency.

The law as currently constituted has four areas that should be addressed:

1. The types of historic resources to which the requirement would apply;
2. The types of permits to which the requirement would apply;
3. The standards for the type, number, size, format and quality of required photographs; and
4. Explicit rule-making authority for the Department of Land and Natural Resources and the county governments that are Certified Local Governments under the National Historic Preservation Act.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.

Kiersten Faulkner, AICP  
Executive Director  
Historic Hawai'i Foundation  
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Honolulu, HI 96817  
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**BIA-HAWAII**  
BUILDING INDUSTRY ASSOCIATION

March 20, 2009

Senator Carol Fukunaga, Chair  
Committee on Economic Development and Technology  
State Capitol, Conference Room 016  
415 South Beretania Street  
Honolulu, Hawaii 96813

Subject:       **House Bill No. HB 520, HD1 Relating to Buildings**

Chair Fukunaga and Members of the Committee on Economic Development and Technology:

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-HAWAII strongly supports H.B. No. 520, HD1 as it proposes to repeal the amendments made by Act 228, Session Laws of Hawaii 2008, which require the taking of photographs of actual or potential historic buildings before demolition, construction, or alteration of the buildings.

We understand the original intent of Act 228 was to provide for adequate documentation of old buildings in Hawaii prior to demolition. The legislation apparently was in response to the demolition of the Varsity Theater which was torn down without any photographic documentation of the building.

While we can understand and support the intent of Act 228, we have subsequently found how difficult it is to craft legislation that addresses the problem without creating "unintended consequences."

The unintended consequence has been the delays in permitting as a determination is made on whether the building is historic or not because Act 228 was not limited to demolition of the building but any modification of the building. The threshold of law only being applied to building that are fifty (50) years old or older would involve many structures around the state including all tract homes and subdivisions built prior to 1959. This would include the large tract subdivisions built in parts of Hawaii Kai, Halawa, Aiea, Pearl City and Waipahu.

Since Act 228 was signed, there have been several attempts to "fix" the bill this session. However, because the law applies to any modification of a building including demolition, and there is no standard on what would constitute a "Historic Building," no resolution was reached.

**Testimony before the Committee on Economic Development and Technology  
Senate, Regular Session of 2009**

**by Philip Hauret  
Senior Land Agent, Land & Rights of Way Department  
Hawaiian Electric Company, Inc.**

**March 20, 2009**

**House Bill 520 HD1, Relating to Buildings**

Chair Fukunaga and Members of the Committee:

My name is Phil Hauret and I am testifying on behalf of the Hawaiian Electric Company (HECO) and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company.

We do not believe HB 520 HD1 is the best vehicle to address concerns relating to Act 228 and recommend that the Committee hold it or substitute the language of SB 1672 SD1.

As background, HECO was the only private party to express concerns last year about Act 228, which this bill attempts to repeal. HECO owns and continues to operate a number of older buildings that were either affected by Act 228, or will soon be. We also participated in the working group that was formed late last year to address the negative and unintended consequences of Act 228.

While a number of bills have been introduced this year to address the pitfalls of Act 228, we believe SB 1672 SD1, currently before the House, is a better vehicle than this bill for addressing them. SB 1672 came out of the working group and attempts to improve upon Act 228, without repealing it entirely. It more narrowly defines the universe of properties and construction activities that trigger the submittal of photographs, establishes broader standards for the photographs themselves, and launches a process whereby a listing of truly historic properties, whether on an existing register or not, is identified going forward.

Thank you for the opportunity to testify.

MAR 20 2009

10059

LATE

Senator Carol Fukunaga, Chair  
Committee on Economic Development and Technology

I am against House Bill 520 "Historic Building Photography Requirement; Repeal" that seeks to repeal Act 288.

I believe that Act 288 is good- it needs clarification and less stringent requirements, but this is doable. The premise of the Act is a valuable one. It asks us to document our history – a fundamental undertaking of any civilized society. Documenting the history of our society is important.

Act 288 is valuable for our history and our culture. We need to cherish our heritage – and this Act 288 helps us in this endeavor. Let's act reasonably when confronting issues; the repeal of Act 288 is a rash response. It does not foster confidence in the legislative process. Act 288 needs fixing, not repeal.

Sincerely,

Lorraine Minatoishi Palumbo, Ph.D., AIA

#### Bio

Lorraine Minatoishi Palumbo was born and raised in Hawaii growing up in Kaimuki, is a practicing Architect with a distinction of being one of the only females in the nation with a degree in Japanese architecture from Waseda University in Japan. She is president and owner of Minatoishi Architects, Inc., a firm that specializes in architectural preservation. She has had several exhibitions at the East West Center and the neighbor islands about her dissertation topic of Japanese temples in Hawaii and is working on a book on Japanese temples.

# and Commentary



permitted corporate  
 on for so long that it  
 is an entitlement, and  
 it into the very fabric  
 of society. Because "we want  
 use of community has  
 benefited.  
 we should look at the  
 from a different per-  
 spective: They aren't being paid  
 for the executives ran  
 into the ground, but  
 they were smart enough  
 to get billions in bailout mon-  
 ey. Our slow-witted uncle,  
 the head of AIG says  
 they pay off the smart guys  
 first in losing them, and  
 then they renege their contractu-  
 rements. I wouldn't be sur-  
 prised if that is what he is talking  
 about. Little perspective: The  
 amount in bonuses, which  
 is a chicken feed to AIG,  
 would reduce \$8,250,000 a year  
 in interest, and would allow  
 funds for Youth to vir-  
 tually wipe out youth gangs in  
 five within six years.  
 It makes you wonder  
 if the values are, doesn't it?  
 Y.M. ROSEN, MSW, PH.D.  
 | President emeritus,  
 Adult Friends for Youth

## President needs to stop lies from the old guard

Regarding the AIG situation and the bonuses: I propose a retroactive 100 percent Obama tax on all AIG bonuses before the tax dollars used to fund this scam become a different kind of AIG — America's Income Gone.  
 The Republicans who promoted the failed policies of George W. Bush that brought us two failed wars and the stunning current financial crisis are now attempting to blame Obama for this mess and are condemning Obama's plans to correct the situation.

The president needs to stop the lies coming from the old Bush

## Letters policy

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All letters must be accompanied by the writer's true name, address and daytime telephone

## HISTORIC PRESERVATION

# Documenting pieces of our past in photos vital

Last year our government had the foresight to pass Act 288 requiring historic structures that are applying for substantial modification permits or demolition permits to submit photographic documentation to our State Historic Preservation Division.

Hawai'i holds some of the most historically significant edifices in our nation — yes we are only 50 years old as a state but we have buildings more than 150 years old that speak of our rich heritage. In a competitive economy, those designations that retain their uniqueness and charm will win over the traveler against other destinations.

Unfortunately, many of these structures are demolished daily without anyone aware of their disappearance. No photos, no documentation of any kind. Neighborhoods like Kaimuki are constantly changing; many of those quaint little

cottages built in 1920 are gone. Mānoa, with its great old houses or rock pedestals, is losing some of its original fabric.

Now there is Bill 520 in the House to repeal Act 288; the Senate is proposing Bill 1672 that significantly lessens the strength of Act 288. That should not happen. Act 288 is good, it just needs clarification and less stringent requirements.

Documenting the history of our society is important. Repealing Act 288 is a rash response. It does not foster confidence in the legislative process. It needs fixing, not repeal.

Demolition is hard to swallow for this die-hard preservationist but even more difficult to accept is its loss without even a picture to remind us of what was once important to us as a people.

LORRAINE MINATOISHI  
 PALUMBO, PH.D., AIA

guard that continue using public airwaves to distort the facts in attempts to scuttle any chance at success that President Obama has. Millions of Americans think they are getting the truth when listening or viewing only one broadcast source. The return of the "Fairness Doctrine" elimi-

nated during the Reagan years to promote Republican propaganda will actually provide citizens the opportunity to hear both opposing and supporting sides of major issues and allow them to make informed decisions to improve America.

STEPHEN BURNS | Mililani

number, should be on a single subject and kept to 200 words or fewer. Letters of any length are subject to trimming and editing.

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Via Capitol Website

March 20, 2009

**Senate Committee on Economic Development and Technology  
Hearing Date: Friday, March 20, 2009 at 1:15 PM in CR 016**

**Comments regarding HB520 HD1: Relating to Buildings  
(Photos of Historic Structures)**

Honorable Chair Carol Fukunaga, Vice Chair Rosalyn Baker and Senate  
Committee on Economic Development and Technology Members:

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions 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 has the following **comments regarding HB 520 HD1**, which calls for a total repeal of the amendments made by Act 228, Session Laws of Hawaii 2008, and thereby repeals the requirements to take photographs of actual or potential historic buildings and any building over 50 years old, before demolition, construction, or alteration of the building. While we can understand that HB 520 HD1 can provides immediate relief from the unintended consequences of Act 228 by repealing the law – the total repeal will also have unintended (or maybe intended?) consequences that may detrimentally affect the recordation and preservation of historic buildings. **Thus, we believe that SB 1672 is the more reasonable and prudent alternative.**

**HB 520 HD1.** The purpose of this bill is to repeal the amendments made by Act 228, Session Laws of Hawaii 2008, which require the taking of archival quality photographs of buildings over fifty years old before demolition, construction, or other alteration of the buildings. The requirements have imposed an onerous and expensive burden on persons who desire to demolish, renovate, or alter such buildings. In many instances, the buildings, although old, have no historic significance.

The House Committee on Water, Land and Ocean Resources amended this bill as follows:

- Changing the effective date to July 1, 2020, to encourage further discussion.
- Technical, nonsubstantive amendments were also made for clarity and style.

**Background.** The 2008 amendments made in Act 228, require the taking of archival quality photographs of actual or potential historic buildings and any building older than 50 years old , before demolition, construction, or other alteration of the buildings. The requirements of Act 228 have placed an onerous and expensive burden on persons who desire to demolish, renovate, or alter buildings over 50 years old. In many instances, the buildings, although old, have no historic significance. The original intent of Act 228 was to obtain photographs of building eligible for listing on the Hawaii or National Register of Historic Places. When it became law, there was much confusion because Act 228 was interpreted to apply to ALL buildings fifty years or older. A number of unintended consequences resulted from Act 228, including, but not limited to, the following:

- While certain buildings may be considered as eligible for listing on the Hawaii or National Register of Historic Places at 50 years of age, not every building over fifty years of age is eligible for listing on the State or National Register.
- The requirements of Act 228 was applied to ALL structures over fifty years old (including standard subdivision tract homes) and reviews were extended to any type of excavation taking place, especially areas including jaucus sands. Prior to Act 228, this was not the usual practice relating to building permits, where the only properties that were affected were those that were considered historic property (i.e. on the Federal or State Register of Historic Places).
- Act 228 has resulted in financial burdens and permit delays for owners of buildings over fifty years of age, which could never qualify to be listed on the Hawaii or Federal Register of Historic Places; and
- In some cases, the buildings may not have historic significance and/or may be deteriorated to such a degree that it may not warrant the expense of the archival-quality documentation necessary under this bill to receive a permit seeking to improve the condition of the structure.

**LURF's Position.** We understand and sympathize with the purpose of HB 520 HD1, however, our first objective would be to work with the legislature to revise the provisions of Act 228 to solve the unintended negative consequences of Act 228 – this s why **LURF supports SB 1672, SD1**. If, however, the legislature cannot agree to adopt SB 1672, SD1, then LURF supports HB520 HD1, and the repeal of Act 228.

The following is a comparison of the two bills, and is the basis for LURF's position that **SB 1672 is the more reasonable and prudent alternative**.

**A total repeal under HB 520, will mean the following:**

- NO PHOTOGRAPHIC RECORDS OF HISTORIC BUILDINGS WHICH HAVE BEEN NOMINATED TO, OR ON THE HISTORIC REGISTERS, prior to the issuance of demolition permits;
- NO DATA AVAILABLE regarding photos of historic buildings which have been nominated to, and are listed on the historic registers;
- There will be NO TASK FORCE set up to identify historic building criteria and historic buildings;
- NO IDENTIFICATION OF HISTORIC BUILDING CRITERIA;
- NO INVENTORY OF HISTORIC BUILDINGS which have previously been recognized in Environmental Assessments/Environmental Impact statements;
- NO RECOMMENDATION FOR A SELF-SUFFICIENT FUNDING MECHANISM TO PRESERVE HISTORIC BUILDINGS;
- NO REPORT TO THE LEGISLATURE REGARDING PRESERVATION OF HISTORIC BUILDINGS;

- If there is no concerted effort of the various stakeholders to come to mutual agreement during the legislative interim, then next year, there will be a MAJOR BATTLE on this issue, starting from “GROUND ZERO;” and
- Next year, the following will probably occur:
  - A PLETHORA OF DIFFERENT BILLS, with different requirements, or
  - A NEW LAW WITH MORE CRITERIA AND REQUIREMENTS for building owners, which will be MORE ONEROUS and result in MORE UNINTENDED CONSEQUENCES, as compared to the current requirements of SB 1672, or
  - A RESOLUTION that the Department of Land and Natural Resources should form a Task Force, or “do a study....”

**SB 1672 is a more reasonable and prudent alternative, because:**

- SB 1672 provides specific guidance to the building owners and government – that the photo requirement applies to buildings nominated to, or already on the Historic Registers;
- Next year, after a year of operation, SB 1672 will at least provides a “base line” and will provide data gathered over the year, which can be evaluated. If stakeholder groups want to further amend the law next year, at least there will be data available, and we won’t be starting from “ground zero.”
- SB 1672 provides for a Task Force which can create a list of identified historic structures, and recommend a self-sufficient funding mechanism that will enable SHPD to help preserve a broader range of culturally or historically significant structures.

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