
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. Section 6E-8, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) Before any agency or officer of the State or its
4 political subdivisions commences any project [~~whieh~~] that may
5 affect historic property, aviation artifact, or a burial site,
6 the agency or officer shall advise the department and allow the
7 department an opportunity for review of the effect of the
8 proposed project on historic properties, aviation artifacts, or
9 burial sites, consistent with section 6E-43, especially those
10 listed on the Hawaii register of historic places. The proposed
11 project shall not be commenced, or in the event it has already
12 begun, continued, until the department shall have given its
13 written concurrence. In the case of any building that is
14 eligible for listing or is listed on the Hawaii or national
15 register of historic places, no demolition, construction, or
16 other alteration of the building shall occur until after the
17 responsible agency, officer, or county has transmitted [~~archival~~
18 ~~quality black and white~~] photographs of the historic building



1 that meet national register of historic places specifications to
2 the department.

3 The department is to provide written concurrence or non-
4 concurrence within ninety days after the filing of a request
5 with the department. The agency or officer seeking to proceed
6 with the project, or any person, may appeal the department's
7 concurrence or non-concurrence to the Hawaii historic places
8 review board. An agency, officer, or other person who is
9 dissatisfied with the decision of the review board may apply to
10 the governor, who may request the Hawaii advisory council on
11 historic preservation to report or who may take action as the
12 governor deems best in overruling or sustaining the department."

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

15 "(b) In the case of any building over fifty years old, no
16 demolition, construction, or other alteration of the building
17 shall occur until after the owner has transmitted to the
18 department, at the owner's expense, [~~archival quality black and~~
19 ~~white~~] photographs of the building[-] that meet national
20 register of historic places specifications; provided that this
21 subsection shall not apply if the building is a residence,



1 unless the residence is on or is nominated to be on the Hawaii
2 register of historic places."

3 SECTION 3. Section 46-3.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§46-3.5[+] Photographs of [~~historic property.~~]
6 buildings over fifty years old. Notwithstanding any other law
7 to the contrary, each county agency that issues building,
8 construction, or development-related permits shall not issue any
9 permit allowing the demolition, construction, or other
10 alteration of a [~~historic~~] building over fifty years old until
11 after a permit applicant provides proof of having provided the
12 department of land and natural resources with [~~archival quality~~
13 ~~black and white~~] photographs of the [~~historic~~] building[~~7~~] that
14 meet national register of historic places specifications, as
15 required under chapter 6E[~~7~~]; provided that this section shall
16 not apply if the building is a residence, unless the residence
17 is on or nominated to be on the Hawaii register of historic
18 places.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



H.B. NO. 353

1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

Cynthia Thicker
[Signature]

JAN 23 2009



Report Title:

Historic Preservation

Description:

Amends requirement of photographs of any building over 50 years old prior to any remodeling, modifications, or demolition by providing that the provision shall not apply if the building is a residence unless it is on or nominated to be on the Hawaii register of historic places. Amends requirement that photographs be archival quality to require that photographs meet national register of historic places specifications.

