
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-2, Hawaii Revised Statutes, is
2 amended by adding three new definitions to be appropriately
3 inserted and to read as follows:

4 "Photographs" mean dated pictures, not taken more than one
5 month prior to applying for any building permit affecting the
6 exterior of the structure, in any clearly visible format,
7 including electronic formats.

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

12 "Eligible for listing on the Hawaii or national register"
13 means that a property meets the criteria for listing on the
14 Hawaii register of historic places, as set forth in title 13,
15 chapter 198, Hawaii administrative rules, or meets the criteria
16 for listing on the National Register of Historic Places, as set
17 forth in Title 36, Code of Federal Regulations, Part 60, Section
18 60.4."



1 SECTION 2. 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 which may affect
5 historic property, aviation artifact, or a burial site, the
6 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 or is eligible for listing
15 on the Hawaii or national register of historic places, no
16 demolition, construction, or other alteration of the building
17 shall occur until after the responsible agency, officer, or
18 county has transmitted [~~archival quality black and white~~]
19 photographs of the historic building to the department. A
20 person meeting the professional qualifications of architect,
21 architectural historian, ethnographer, historian, or physical
22 anthropologist set forth in title 13, chapter 281, Hawaii



1 administrative rules is qualified to determine whether a
2 property is eligible for listing on the Hawaii or national
3 register of historic places.

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

14 SECTION 3. Section 6E-10, Hawaii Revised Statutes, is
15 amended by amending subsections (a) and (b) to read as follows:

16 "(a) Before any construction, alteration, disposition or
17 improvement of any nature, by, for, or permitted by a private
18 landowner may be commenced which will affect an historic
19 property on the Hawaii register of historic places, the
20 landowner shall notify the department of the construction,
21 alteration, disposition, or improvement of any nature and allow
22 the department opportunity for review of the effect of the



1 proposed construction, alteration, disposition, or improvement
2 of any nature on the historic property. The proposed
3 construction, alteration, disposition, or improvement of any
4 nature shall not be commenced, or in the event it has already
5 begun, [~~continue,~~] continued, until the department shall have
6 given its concurrence or ninety days have elapsed. Within
7 ninety days after notification, the department shall:

- 8 (1) Commence condemnation proceedings for the purchase of
9 the historic property if the department and property
10 owner do not agree upon an appropriate course of
11 action;
- 12 (2) Permit the owner to proceed with the owner's
13 construction, alteration, or improvement; or
- 14 (3) In coordination with the owner, undertake or permit
15 the investigation, recording, preservation, and
16 salvage of any historical information deemed necessary
17 to preserve Hawaiian history, by any qualified agency
18 for this purpose.

19 (b) In the case of any building over fifty years old[7]
20 and eligible for listing on the Hawaii or national register of
21 historic places, no demolition, construction, or other
22 alteration of the building shall occur until after the owner has



1 transmitted to the department, at the owner's expense, [~~archival~~
2 ~~quality black and white~~] photographs of the historic building.
3 A person meeting the professional qualifications of architect,
4 architectural historian, ethnographer, historian, or physical
5 anthropologist set forth in title 13, chapter 281, Hawaii
6 administrative rules is qualified to determine whether a
7 property is eligible for listing on the Hawaii or national
8 register of historic places."

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

11 "[+] §46-3.5 [+] **Photographs of historic property.**

12 Notwithstanding any other law to the contrary, each county
13 agency that issues building, construction, or development-
14 related permits shall not issue any permit allowing the
15 demolition, construction, or other alteration of [a] an historic
16 building until after a permit applicant provides proof of having
17 provided the department of land and natural resources with
18 [~~archival quality black and white~~] photographs of the historic
19 building, as required under chapter 6E."

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

22 SECTION 6. This Act shall take effect upon its approval.



H.B. NO. 445

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Report Title:

Historic Preservation; Photographs

Description:

Narrows the requirement to submit photographs of historic buildings prior to construction permit approval to apply to buildings meeting established criteria of historical significance and deletes the requirement that photographs must be of archival quality.

