

JAN 26 2009

A BILL FOR AN ACT

RELATING TO NATIVE HAWAIIAN ARCHITECTURE.

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

1 SECTION 1. The legislature finds that Native Hawaiian
2 architecture is unlike any localized styles seen in Hawaii
3 today. Although present styles may appear to replicate forms
4 that existed prior to Western contact in 1778, the present
5 styles lack the spiritual and metaphysical identity that made
6 the traditional, indigenous, pre-contact architecture uniquely
7 Native Hawaiian.

8 Depending on the specific function of the hale
9 (house/structure), each part of traditional architecture had
10 little to do with the builder and more to do with the hale's
11 relationship to the natural world. The hale enabled humans to
12 responsibly and sustainably manipulate nature into useful form
13 to serve as a vessel for the akua (gods) to partake. Beyond the
14 basic need of shelter, traditional Native Hawaiian architecture
15 served as a means to connect akua, nature, and humans. Over
16 thousands of years, master builders who had already proven their
17 acumen by constructing the wa'a (canoe), developed simple,
18 efficient, and perfectly suitable architecture for Hawai'i Nei.



1 Beyond the hale, brilliant dry-stack engineering techniques were
2 perfected, allowing the Native Hawaiians to construct small- to
3 large-scale heiau that still survive today.

4 The basic needs of life are water, food, and shelter.
5 Unfortunately, each of these basic needs has been compromised
6 for Native Hawaiians in their own home land. Legal battles over
7 water rights, which in turn directly impact kalo production,
8 have severely depleted a staple and healthy food source for
9 Native Hawaiians. Land tenure, economics, and socio-political
10 change have cornered many Native Hawaiians into living in
11 distinct areas throughout Hawai'i, with increasing numbers left
12 houseless. Heiau continue to face constant defamation and
13 destruction. The basic components that could enable Native
14 Hawaiians to reclaim their livelihood and identity have been
15 stripped and over time, the knowledge that they once had has
16 been lost.

17 Zoning and building ordinances, rules, and standards
18 greatly hamper the ability of Native Hawaiians to reconnect to a
19 major facet of their heritage and basic need. Native Hawaiian
20 architecture is not unlike the pyramids of Egypt, the temples at
21 Machu Picchu, or the prefectures in Japan. They all share as
22 tangible and spiritual manifestations of an indigenous people



1 and their connection to their unique cosmology. Historically,
2 building codes were never intended to integrate or adopt
3 traditional Native Hawaiian architecture and as a result have
4 had the potential of questioning the quality, sincerity, and
5 intent of Hawaii's indigenous architecture.

6 Act 310, Session Laws of Hawaii 2006, sought to allow the
7 use of the techniques, styles, and customs of indigenous
8 Hawaiian architecture to be employed in present-day construction
9 in the State. Act 310 began by pointing out that section 7 of
10 article XII of the Constitution of the State of Hawaii provides,
11 in part, that "The State reaffirms and shall protect all rights,
12 customarily and traditionally exercised for subsistence,
13 cultural and religious purposes by . . . native Hawaiians". Act
14 310 also pointed out that the Maui County Code allows the use of
15 indigenous Hawaiian architecture in the design and construction
16 of structures in the county of Maui. The Act inserted a new
17 section into the Hawaii Revised Statutes (codified as section
18 46-1.55) that required each county to adopt ordinances allowing
19 the exercise of indigenous Native Hawaiian architectural
20 practices, styles, customs, techniques, and materials in the
21 county's building code. Act 310 also permitted the application
22 of indigenous Hawaiian architecture in all zoning districts, if



1 consistent with the intent and purpose of the uniquely
2 designated, special, or historic district. Act 222, Session
3 Laws of Hawaii 2007, amended section 46-1.55, Hawaii Revised
4 Statutes, to require that each county adopt or amend its
5 ordinances to implement these requirements no later than March
6 31, 2008, with the Maui County ordinance serving as a model.

7 Despite the good intentions of Act 310 and Act 222, the
8 legislature finds that section 46-1.55, Hawaii Revised Statutes,
9 is too limited. While it recognizes traditional Hawaiian
10 architecture, it has not promoted or produced a full revival of
11 this architecture as a viable way of life. For example, while
12 section 46-1.55 cites wood frame walls covered by thatches of
13 native grasses as an example of Native Hawaiian architecture,
14 section 46-1.55 does not resolve the obstacles presented by
15 county building and zoning codes that may prevent a full and
16 uninhibited use of native grasses in the hale. Furthermore,
17 section 46-1.55 places unnecessarily strict limits on where
18 Native Hawaiian structures can be located. The limited and
19 constricting nature of section 46-1.55 has led to a "showcase"
20 approach to Native Hawaiian architecture, rather than to an
21 architecture that fosters a restored traditional, economical,
22 efficient, and simple life style that meets the spiritual and



1 material needs and interests of Native Hawaiians and reduces the
2 number of Native Hawaiians who are houseless.

3 It has become increasingly apparent that only the
4 establishment of a Native Hawaiian building code and a loosening
5 of limits on where indigenous structures can be located, can
6 truly revive Native Hawaiian architecture. The purpose of this
7 Act is to facilitate this revival through amendments to section
8 46-1.55, Hawaii Revised Statutes.

9 SECTION 2. Section 46-1.55, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§46-1.55 Indigenous Hawaiian architecture. (a) Each
12 county shall adopt [~~ordinances allowing~~] a native Hawaiian
13 building code, separate from its standard building code, that
14 protects and promotes the exercise of indigenous native Hawaiian
15 architectural practices, styles, customs, techniques, and
16 materials historically employed by native Hawaiians, [~~in the~~
17 ~~county's building code,~~] including but not limited to
18 residential and other structures comprised of either rock wall
19 or wood frame walls covered by thatches of different native
20 grasses or other natural material for roofs.

21 (b) The application of indigenous Hawaiian architecture
22 shall be permitted in all zoning districts [~~, provided it is~~



1 ~~consistent with the intent and purpose of the uniquely~~
2 ~~designated, special, or historic district].~~

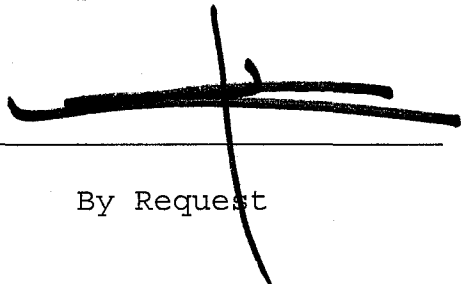
3 (c) Each county shall adopt or amend its ordinances to
4 implement this section no later than March 31, ~~[2008. The~~
5 ~~ordinance adopted by Maui county shall serve as a model.]~~ 2010."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

9

INTRODUCED BY: _____



By Request



Report Title:

Native Hawaiian Architecture; Building Codes

Description:

Directs each county to adopt a Native Hawaiian building code.

