
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-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 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

1 ~~quality black and white~~] photographs of the historic building 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[~~r~~]
16 that is nominated for listing or is listed on the Hawaii or
17 national register of historic places as those registers are
18 defined in chapter 13-198, Hawaii Administrative Rules, no
19 [demolition, construction, or other alteration] demolition of
20 the building shall occur until after the owner has transmitted
21 to the department, at the owner's expense, [~~archival-quality~~
22 ~~black and white~~] photographs of the building. If photographs of

1 a privately-owned structure are required pursuant to this
2 section, then the department shall certify receipt of the
3 photographs to the owner within twenty days of the department's
4 receipt of the photographs."

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

7 "~~{}~~**§46-3.5**~~{}~~ **Photographs of historic property.** (a)
8 Notwithstanding any other law to the contrary, each county
9 agency that issues building, construction, or development-
10 related permits shall not issue any permit allowing the
11 demolition~~[, construction, or other alteration]~~ of a ~~[historic]~~
12 building that is nominated for listing or is listed on the
13 Hawaii or national register of historic places as those
14 registers are defined in chapter 13-198, Hawaii Administrative
15 Rules, until after a permit applicant provides proof of having
16 provided the department of land and natural resources ~~[with~~
17 ~~archival-quality black and white]~~ photographs of the historic
18 building, as required under chapter 6E.

19 (b) For the purposes of this section:

20 "Photographs" means dated pictures, taken within one month
21 of applying for any building permit covered by this section.

1 The photographs can be submitted in any clearly visible format,
2 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 4. 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 with the assistance of the legislative reference
15 bureau, the office of environmental quality control,
16 and the University of Hawaii environmental center;
- 17 (2) Identifying structures that may otherwise be
18 culturally or historically significant, but not
19 individually distinctive enough to be separately
20 registered on the Hawaii or national register; and
- 21 (3) Recommending a self-sufficient funding mechanism that
22 will enable the state historic preservation division

1 to help preserve a broader range of culturally or
2 historically significant structures.

3 If a task force is convened before December 31, 2009, the
4 task force shall report on its recommendations to the
5 legislature no later than ten days prior to the convening of the
6 2010 regular session.

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

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

Report Title:

Historic Preservation; Historic Property; Photographs

Description:

Amends the archival photograph requirement for permits allowing the demolition of a building to allow photographs in any format, including electronic; includes buildings previously nominated for listing or currently listed on the Hawaii or National Register of Historic Places. (SD1)