
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, as a result of a previous
16 environmental assessment, environmental impact statement, or
17 other public action involving discretionary permit processes and

1 county-generated lists, no demolition, construction, or other
2 alteration of the building shall occur until after the
3 responsible agency, officer, or county has transmitted [~~archival~~
4 ~~quality black and white~~] photographs of the historic building to
5 the department.

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

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

18 "(b) In the case of any building over fifty years old[~~7~~]
19 and eligible for listing on the Hawaii or national register of
20 historic places, as a result of a previous environmental
21 assessment, environmental impact statement, or other public
22 action involving discretionary permit processes and county-

1 generated lists, no demolition, construction, or other
2 alteration of the building shall occur until after the owner has
3 transmitted to the department, at the owner's expense, [~~archival~~
4 ~~quality black and white~~] photographs of the building. If
5 photographs of a privately-owned structure are required pursuant
6 to this section, then the department shall certify receipt of
7 the photographs to the owner within fifteen days of the
8 department's receipt of the photographs."

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

11 "~~{}~~**\$46-3.5**~~{}~~ **Photographs of historic property.** (a)
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]~~ or construction
16 within a historic district of a [~~historic~~] building eligible for
17 listing on the Hawaii or national register of historic places
18 as defined in chapter 13-198, Hawaii Administrative Rules, as a
19 result of a previous environmental assessment, environmental
20 impact statement, or other public action involving discretionary
21 permit processes and county-generated lists, until after a
22 permit applicant provides proof of having provided the

1 department of land and natural resources [~~with archival quality~~
2 ~~black and white~~] photographs of the historic building, as
3 required under chapter 6E.

4 (b) For the purposes of this section:

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

7 The photographs can be submitted in any clearly visible format,
8 including electronic formats.

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

13 SECTION 4. The department of land and natural resources
14 and the counties may convene and establish a single task force
15 that is responsible for the following:

16 (1) Inventorying structures that have previously been
17 recognized for their historic value through
18 publically-reviewed environmental assessments or
19 environmental impact statements from 1959 to present;

20 (2) Identifying structures that may otherwise be
21 culturally or historically significant, but not

1 individually distinctive enough to be separately
2 registered on the Hawaii or national register; and
3 (3) Recommending a self-sufficient funding mechanism that
4 will enable the state historic preservation division
5 to help preserve a broader range of culturally or
6 historically significant structures.

7 If a task force is convened before December 31, 2009, the
8 task force shall report on its recommendations to the
9 legislature no later than ten days prior to the convening of the
10 2010 regular session.

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 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 demolition or construction within a historic district to allow photographs in any format, including electronic; includes buildings previously identified in an environmental assessment, impact statement, or public action to be listed on the Hawaii or National Register of Historic Places. (SD1)