

JAN 21 2009

A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. The legislature finds that Act 228, Session
2 Laws of Hawaii 2008, requires submittal of archival quality
3 black and white photographs to the department of land and
4 natural resources before a county agency may issue a building
5 permit for any demolition, construction, or other alteration of
6 a building more than fifty years old. This requirement, which
7 took effect on July 1, 2008, is causing a hardship for property
8 owners wanting to demolish or renovate buildings over fifty
9 years old. The law categorizes all buildings by age regardless
10 of their historic significance. This has caused unnecessary
11 delays for even minor renovations of these homes. In addition,
12 archival quality photographs are expensive and the cost of these
13 photos is the responsibility of the property owner.

14 The purposes of this Act are to:

15 (1) Limit the archival photograph submission requirement
16 to privately owned buildings that are listed on the
17 Hawaii or national register of historic places; and



1 (2) Establish standards for archival quality black and
2 white photographs, in conformance with the national
3 register of historic places and national historic
4 landmarks survey photo policy as of March 2005.

5 SECTION 2. Section 6E-8, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

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



1 the department. The department shall determine by rule the
2 subject matter, image angles, and any other image capture
3 requirements necessary to ensure the historic aspects of
4 building have been adequately recorded.

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

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

17 "(a) Before any construction, alteration, disposition, or
18 improvement of any nature, by, for, or permitted by a private
19 landowner may be commenced [~~which~~] that will affect an historic
20 property on the Hawaii register of historic places, the
21 landowner shall transmit to the department, at the landowner's
22 expense, archival quality black and white photographs of the



1 building in its current state and notify the department of the
2 construction, alteration, disposition, or improvement of any
3 nature and allow the department opportunity for review of the
4 effect of the proposed construction, alteration, disposition, or
5 improvement of any nature on the historic property. The
6 proposed construction, alteration, disposition, or improvement
7 of any nature shall not be commenced, or in the event it has
8 already begun, continue, until the department [~~shall have~~] has
9 given its concurrence or ninety days have elapsed. Within
10 ninety days after notification, the department shall:

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



1 (b) ~~[In the case of any building over fifty years old, no~~
2 ~~demolition, construction, or other alteration of the building~~
3 ~~shall occur until after the owner has transmitted to the~~
4 ~~department, at the owner's expense, archival quality black and~~
5 ~~white photographs of the building.] For the purposes of this~~

6 section, "archival quality black and white photographs" means
7 black and white photographs that will last seventy-five years or
8 longer before showing significant signs of fading,
9 deterioration, or discoloration. The following formats have
10 been demonstrated to meet or exceed the seventy-five year
11 permanence standard:

- 12 (1) Black and white images printed on silver-emulsion
13 fiber-based papers; or
- 14 (2) Black and white images printed on silver-emulsion
15 resin-coated papers.

16 The department may designate by rule any other printing method
17 deemed by the department to be in compliance with this
18 subsection; provided that the seventy-five year permanence
19 standard is met. Prints produced from digital photographs shall
20 be accompanied by corresponding electronic image files with
21 electronic format to be determined by the department."



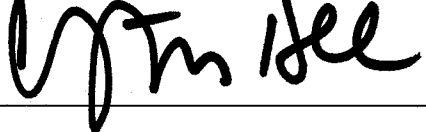
1 SECTION 4. Section 46-3.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§46-3.5 Photographs of historic property.**

4 Notwithstanding any other law to the contrary, each county
5 agency that issues building, construction, or development-
6 related permits shall not issue any permit allowing the
7 demolition, construction, or other alteration of a [~~historic~~]
8 building that is listed on the Hawaii or national register of
9 historic places until after a permit applicant provides proof of
10 having provided the department of land and natural resources
11 with archival quality black and white photographs of the
12 historic building, as required under chapter 6E."

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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

16 INTRODUCED BY: 



Report Title:

Historic Buildings; Photographs

Description:

Requires archival quality photographs for a privately owned building that is listed on the Hawaii or national register of historic places; establishes standards for archival quality photographs.

