

JAN 23 2009

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-8, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "**§6E-8 Review of effect of proposed state projects.** (a)
4 Before any agency or officer of the State or its political
5 subdivisions commences any project which may affect historic
6 property, aviation artifact, or a burial site, the agency or
7 officer shall advise the department and allow the department an
8 opportunity for review of the effect of the proposed project on
9 historic properties, aviation artifacts, or burial sites,
10 consistent with section 6E-43, especially those listed on the
11 Hawaii register of historic places. The proposed project shall
12 not be commenced, or in the event it has already begun,
13 continued, until the department shall have given its written
14 concurrence. In the case of any building that is eligible for
15 listing or is listed on the Hawaii or national register of
16 historic places, no demolition, construction, or other
17 alteration of the building shall occur until after the



1 responsible agency, officer, or county has transmitted [~~archival~~
2 ~~quality black and white~~] photographs of the historic building to
3 the department. The photographs shall, at a minimum, include
4 all exterior features of the historic building. The photographs
5 shall be of a quality such that the exterior features of the
6 building can be discerned and replicated, if necessary.

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

17 SECTION 2. Section 6E-10, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "(b) In the case of any building over fifty years old, no
20 demolition, construction, or other alteration of the building
21 shall occur until after the owner has transmitted to the
22 department, at the owner's expense, [~~archival quality black and~~



1 ~~white~~] photographs of the building, provided that if the
2 department does not consent to or oppose the proposal within
3 thirty days of submitting the photographs of the building, the
4 proposal shall be treated as accepted.

5 The photographs shall, at a minimum, include all exterior
6 features of the historic building. The photographs shall be of
7 a quality such that the exterior features of the building can be
8 discerned and replicated, if necessary.."

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

11 "[+]§46-3.5[+] **Photographs of [~~historie~~] 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 major alteration of a
16 [~~historie~~] building until after a permit applicant provides
17 proof of having provided the department of land and natural
18 resources with [~~archival quality black and white~~] photographs of
19 the [~~historie~~] building, as required under chapter 6E, provided
20 that if the department does not consent to or oppose the
21 proposal within thirty days of submitting the photographs of the
22 building, the proposal shall be treated as accepted by the



1 department and permits allowing the demolition, construction, or
2 other alterations as requested in the proposal may be granted.

3 The photographs shall, at a minimum, include all exterior
4 features of the historic building. The photographs shall be of
5 a quality such that the exterior features of the building can be
6 discerned and replicated, if necessary.."

7 (b) For purposes of this section;

8 "Major alteration" means renovation or repair that affects
9 more than five per cent of the area of the structure, or at
10 least one floor of a multi-story structure, whichever is less.

11 "Photographs" means dated pictures, not taken more than one
12 month prior to applying for a building permit affecting the
13 exterior of the historic structure in any clearly visible
14 format, including electronic formats.

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

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 787

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INTRODUCED BY: Annanne Chun Oakland
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Report Title:

Historic Preservation; photographs

Description:

Changes the requirement for archival photographs for permits allowing the demolition, construction, or other major alteration of a historic building to photographs in any format. Provides that if the State Historic Preservation Division does not act upon a plan submission within 30 days, the proposal is treated as accepted.

