

STAND. COM. REP. NO. 581

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 1672  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Economic Development and Technology, to which was referred S.B. No. 1672 entitled:

"A BILL FOR AN ACT RELATING TO HISTORIC STRUCTURES,"

begs leave to report as follows:

The purpose of this measure is to amend the archival photograph requirements that are necessary to obtain a permit for the demolition, construction, or other alteration of a historic building that is eligible for listing on the Hawaii or National Register of Historic Places.

Specifically, this measure allows the required photographs for a permit to be in any format, including electronic, rather than requiring archival quality black and white photographs.

Testimony in support of this measure was submitted by the City and County of Honolulu Department of Planning and Permitting, the Hawaiian Electric Company, the Hawaii Association of Realtors, and the Land Use Research Foundation of Hawaii. Testimony in opposition of this measure was submitted by the Department of Land and Natural Resources, the Hawaii Historic Foundation, the American Public Works Association Hawaii Chapter, the Chamber of Commerce of Hawaii, the Hawaii Developers Council, and the Building Industry Association Hawaii. Comments on this measure were submitted by the American Institute of Architects Hawaii Chapter, and the Society for Hawaiian Archeology. Written



testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that Act 228, Session Laws of Hawaii 2008, requires state, county, or private property owners to submit archival quality photographs to the Department of Land and Natural Resources State Historic Preservation Division prior to issuance of a permit or the commencement of an undertaking that will alter, impact, or demolish a building over fifty years old.

While the original intent of Act 228 was to produce a lasting record of Hawaii's historic buildings at risk of imminent destruction (for example, the historic Walker Estate in Nuuanu or Varsity Theater in Moiliili), its provisions were not sufficiently precise to narrow the scope of structures subject to the archival photograph requirement.

During 2008, implementation of Act 228 substantially impacted the timely processing of building permits in Honolulu. For example, the Department of Planning and Permitting reported approving 13,221 additions, alterations, and repairs to private structures and issuing 1,019 building permits for alterations and repairs of single-family and two-family dwellings. Given the magnitude of private structures subject to Act 228's archival photograph requirement, your Committee convened a working group in Fall 2008 to identify practical solutions to the unintended consequences of Act 228. The original draft of this measure was based on recommendations from a range of stakeholders, including the Department of Land and Natural Resources, the City and County of Honolulu's Department of Planning and Permitting, and several architect, engineer, and contractor organizations whose work was heavily impacted by the new Act 228 archival photograph requirements.

Your Committee acknowledges the comments and thoughtful examination of this issue by interested stakeholders who have worked to clarify both the categories of activity (e.g., demolition, construction, and alterations) as well as types of structures (e.g., those eligible for listing on the Hawaii or National Register of Historic Places versus those that have already been identified as being eligible for listing through publicly-reviewed environmental assessments and environmental impact statements) for which photographs should be required.



In light of today's difficult economic climate, your Committee believes that correcting the unintended consequences of Act 228 should be done immediately. Developing an inventory of historically significant structures subject to the requirement for photographs should be phased separately to provide county planning agencies and the Department of Land and Natural Resources with a specific list of structures subject to the broader eligibility requirements for listing on the Hawaii or National Historic Register of Historic Places.

Your Committee has amended this measure by deleting its contents, with the exception of section 5, and replacing it with the contents of S.B. No. 954. As amended, this measure:

- (1) Amends section 6E-8(a), Hawaii Revised Statutes, to delete the requirement that archival quality black and white photographs be submitted with a permit application;
- (2) Amends section 6E-10(b), Hawaii Revised Statutes, to include, for purposes of the photograph requirements, any buildings over fifty years old that are nominated for listing or listed on the Hawaii or National Register of Historic Places;
- (3) Requires the Department of Land and Natural Resources to certify receipt of the photographs submitted by an owner of a privately-owned structure within twenty days of the Department's receipt of the photographs;
- (4) Amends section 46-3.5, Hawaii Revised Statutes, to include, for purposes of the photograph requirement, a building that is nominated for listing or listed on the Hawaii or National Register of Historic Places;
- (5) Revises the definition of "photographs" to mean dated pictures, taken within one month of applying for any building permit; and
- (6) Requires the Legislative Reference Bureau, the Office of Environmental Quality Control, and the University of Hawaii Environmental Center to assist the task force in inventorying structures previously recognized for their historic value through publically-reviewed environmental assessments or environmental impact statements.



As affirmed by the record of votes of the members of your Committee on Economic Development and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1672, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1672, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Economic  
Development and Technology,

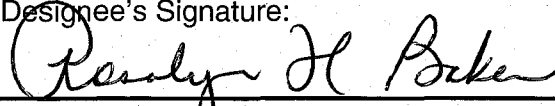


CAROL FUKUNAGA, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Economic Development and Technology**  
**EDT**

Bill / Resolution No.:* <b>SB1672</b>	Committee Referral: <b>EDT</b>	Date: <b>3-2-09</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
HEE, Clayton				✓
IGE, David Y.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes