
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. According to the United States Census Bureau
2 and the department of business, economic development, and
3 tourism statistics, nearly forty per cent of private residences
4 on Oahu were built in 1969 or earlier. In certain census
5 tracts, this number is as high as eighty-five per cent.

6 Hawaii law provides that any building, structure, object,
7 district, area, or site over fifty years old is considered
8 historic property. Further, current application of historic
9 preservation law requires review by the state historic
10 preservation division of the department of land and natural
11 resources prior to the granting of permits for proposed projects
12 on historic properties. This requirement, in certain instances,
13 has delayed the granting of permits for a period of many months,
14 which has had a negative impact on the construction industry.
15 As nearly forty per cent of residential properties on Oahu have
16 reached or are approaching fifty years of age, it is prudent for
17 the State to reexamine the current processes and procedures
18 regarding historic properties.



1 The purpose of this Act is to provide that:

2 (1) Historic properties shall be over seventy-five years
3 old; and

4 (2) Nothing in chapter 6E, Hawaii Revised Statutes, shall
5 be construed to require the department of land and
6 natural resources to review a proposed project that
7 may affect a residential property that has not been
8 entered, or nominated by the owner of the residence
9 for entry, onto the Hawaii register of historic
10 places.

11 SECTION 2. Section 6E-2, Hawaii Revised Statutes, is
12 amended by amending the definition of "historic property" to
13 read as follows:

14 "Historic property" means any building, structure, object,
15 district, area, or site, including heiau and underwater site,
16 [~~which~~] that is over [~~fifty~~] seventy-five years old."

17 SECTION 3. Section 6E-42, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Before any agency or officer of the State or its
20 political subdivisions approves any project involving a permit,
21 license, certificate, land use change, subdivision, or other
22 entitlement for use [~~, which~~] that may affect historic property,



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1 aviation artifacts, or a burial site, the agency or office shall
 2 advise the department and prior to any approval allow the
 3 department an opportunity for review and comment on the effect
 4 of the proposed project on historic properties, aviation
 5 artifacts, or burial sites, consistent with section 6E-43,
 6 including those listed in the Hawaii register of historic
 7 places[-]; provided that nothing in this chapter shall be
 8 construed to require a review by the department for a project on
 9 residential property that has not been entered, or nominated by
 10 the owner of the residence for entry, onto the Hawaii register
 11 of historic places. For the purposes of this subsection,
 12 "residential property" means real property that is used or
 13 occupied as a place of residence for one or more persons."

14 SECTION 4. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY: B-L Kobayashi
Halekashima
Guthrie Hickson
Scott K. O'Neil
[Signature]
[Signature]



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Report Title:

DLNR; Historic Preservation; Review; Residential Property

Description:

Provides that historic properties shall be over seventy-five years old. Provides that nothing in chapter 6E, HRS, shall be construed to require a review by the DLNR for residential property that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places.

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