
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, which has had a negative
14 impact on development. As nearly forty per cent of residential
15 properties on Oahu have reached or are approaching fifty years
16 of age, it is prudent for the State to reexamine the current
17 processes and procedures regarding historic properties.



1 The purpose of this Act is to clarify the application of
2 the state historic preservation law by:

3 (1) Exempting residential real property that has not been
4 entered onto or nominated by the owner for entry onto
5 the Hawaii register of historic places from
6 designation as historic property; and

7 (2) Specifying that residential real property exempt from
8 designation as historic property is further exempt
9 from review for historic preservation purposes by the
10 department of land and natural resources in connection
11 with applications for project or land use permits.

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

15 ""Historic property" means any building, structure, object,
16 district, area, or site, including heiau and underwater site,
17 [~~which~~] that is over fifty years old[-] and, if a private
18 residence, has been entered onto the Hawaii register of historic
19 places or nominated for entry by the owner of the residence."

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



1 "(a) Before any agency or officer of the State or its
2 political subdivisions approves any project involving a permit,
3 license, certificate, land use change, subdivision, or other
4 entitlement for use, which may affect historic property,
5 aviation artifacts, or a burial site, the agency or office shall
6 advise the department and prior to any approval allow the
7 department an opportunity for review and comment on the effect
8 of the proposed project on historic properties, aviation
9 artifacts, or burial sites, consistent with section 6E-43,
10 including those listed in the Hawaii register of historic
11 places[-]; provided that nothing in this chapter shall be
12 construed to require a review by the department for a project on
13 residential property that has not been entered onto the Hawaii
14 register of historic places or nominated for entry by the owner
15 of the residential property. For the purposes of this
16 subsection, "residential property" means real property that is
17 used or occupied as a place of residence for one or more
18 persons.

19 If:

20 (1) The proposed project consists of corridors or large
21 land areas;

22 (2) Access to properties is restricted; or



1 (3) Circumstances dictate that construction be done in
2 stages,
3 the department's review and comment may be based on a phased
4 review of the project; provided that there shall be a
5 programmatic agreement between the department and the project
6 applicant that identifies each phase and the estimated timelines
7 for each phase."

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

DLNR; Historic Preservation; Review; Residential Property

Description:

Exempts private residences not on or nominated by the owner to the Hawaii Register of Historic places from designation as historic property and related review by the Department of Land and Natural Resources in connection with project permit or land use applications. Effective July 1, 2050. (HB1678 HD1)

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