THE SENATE TWENTY-SEVENTH LEGISLATURE, 2014 STATE OF HAWAII S.B. NO. <sup>2633</sup> S.D. 1 H.D. 1

# A BILL FOR AN ACT

RELATING TO HISTORIC PROPERTY.

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

SECTION 1. According to the United States Census Bureau
and the department of business, economic development, and
tourism statistics, nearly forty per cent of private residences
on Oahu were built in 1969 or earlier. In certain census
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.



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1 The purpose of this Act is to: 2 (1)Include only buildings, structures, objects, 3 districts, areas, or sites that are included in or 4 eligible for inclusion in the Hawaii register of historic places in the definition of "historic 5 6 property"; 7 (2) Exempt residences not included in or eligible for 8 inclusion in the Hawaii register of historic places 9 and projects determined by the department of land and 10 natural resources to not affect historic properties 11 from historic preservation review by the department in 12 connection with applications for project or land use 13 permits; 14 (3) Require the department of land and natural resources 15 to develop a list of types of projects that have no 16 potential to affect a historic property and a list of 17 the types of properties likely to be eligible for 18 inclusion in the Hawaii register of historic places and to provide those lists to the counties; and 19 20 (4)Require the department of land and natural resources to develop a plan for completing a comprehensive 21

inventory of historic buildings in the State.



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1 SECTION 2. Section 6E-2, Hawaii Revised Statutes, is 2 amended by amending the definition of "historic property" to 3 read as follows: 4 ""Historic property" means any building, structure, object, 5 district, area, or site, including heiau and underwater site, 6 [which] that is [over fifty years old.] included in or eligible 7 for inclusion in the Hawaii register of historic places." SECTION 3. Section 6E-42, Hawaii Revised Statutes, is 8 9 amended to read as follows: 10 "S6E-42 Review of proposed projects. (a) Before any 11 agency or officer of the State or its political subdivisions 12 approves any project involving a permit, license, certificate, 13 land use change, subdivision, or other entitlement for use, 14 which may affect historic property, aviation artifacts, or a 15 burial site, the agency or office shall advise the department 16 and prior to any approval allow the department an opportunity 17 for review and comment on the effect of the proposed project on historic properties, aviation artifacts, or burial sites, 18 19 consistent with section 6E-43, including those listed in the 20 Hawaii register of historic places. If: 21 (1) The proposed project consists of corridors or large

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land areas;



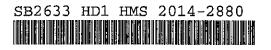
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1	(2) Access to properties is restricted; or
2	(3) Circumstances dictate that construction be done in
3	stages,
4	the department's review and comment may be based on a phased
5	review of the project; provided that there shall be a
6	programmatic agreement between the department and the project
7	applicant that identifies each phase and the estimated timelines
8	for each phase.
9	(b) Residences not included in or eligible for inclusion
10	in the Hawaii register of historic places, and projects
11	determined by the department to have no potential to affect
12	historic properties in accordance with the requirements of Act
13	, Regular Session of Hawaii 2014, shall not be subject to
14	review by the department pursuant to this section and shall not
15	be submitted to the department for review.
16	[ <del>(b)</del> ] <u>(c)</u> The department shall inform the public of any
17	project proposals submitted to it under this section that are
18	not otherwise subject to the requirement of a public hearing or
19	other public notification.
20	[ <del>(c)</del> ] <u>(d)</u> The department shall adopt rules in accordance

21 with chapter 91 to implement this section."

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1 SECTION 4. (a) The department of land and natural 2 resources shall: 3 Develop a list of the types of projects that have no (1) 4 potential to affect a historic property and provide 5 the list to the counties no later than October 1, 2014; and 6 7 Develop a list of the types of properties likely to be (2)8 eligible for inclusion in the Hawaii register of 9 historic places and provide the list to the counties 10 no later than January 2, 2015. 11 Properties not included in or eligible for inclusion (b) 12 in the Hawaii register of historic places and projects of the 13 types identified in the list developed pursuant to subsection 14 (a) (1) shall not be subject to review under section 6E-42, 15 Hawaii Revised Statutes, and the counties shall not submit such 16 projects to the department for review under section 6E-42, 17 Hawaii Revised Statutes. 18 SECTION 5. The department of land and natural resources 19 shall develop a plan for completing a comprehensive inventory of 20 historic buildings in the State and shall submit the plan, 21 together with a proposed budget for implementation of the plan,





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to the legislature no later than fourteen days prior to the
convening of the regular session of 2015.
SECTION 6. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.
SECTION 7. This Act shall take effect on July 1, 2050.



#### Report Title:

Historic Preservation; Historic Property; Private Residence

#### Description:

Amends the definition of "historic property" for purposes of required DLNR permit review to reflect historic significance, rather than age alone. Exempts residences that are not historic property from DLNR permit review. Directs DLNR to take action to facilitate historic property reviews. (SB2633 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

