

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
WILLIAM J. AILA, Jr.
Chairperson

Before the House Committee on
WATER & LAND

Friday, March 14, 2014
10:00 AM
State Capitol, Conference Room 325

In consideration of
SENATE BILL 2633, SENATE DRAFT 1
RELATING TO HISTORIC PROPERTY

Senate Bill 2633, Senate Draft 1, proposes to exempt from the statutory definition of “historic property” any private residence that has not been entered into or nominated by the owner of the residence onto the Hawaii register of historic places. It further proposes to clarify that nothing in Chapter 6E, Hawaii Revised Statutes (6E), shall be construed to require review by the Department of Natural Resources (Department) of a private residence fifty or more years old that has not been entered into or nominated by the owner of the residence for entry onto the Hawaii register of historic places. **The Department appreciates the intent of this measure and recommends that it be further amended.**

The Department agrees that Senate Bill 2633, Senate Draft 1 addresses the very real problem of unnecessary reviews of county permits for residences that meet the statutory definition of “historic property” but which are, in fact, merely old. The Department is committed to resolving the problem of unnecessary reviews but we have been advised that we have no administrative options under the current statutory definition.

In 2013, the Department reviewed more than 3,000 permit applications for residences fifty years old or older. There is a perception that the Department’s reviews routinely take far longer than they should. During 2013 on average, those reviews took seventeen days, and the most common length for a review was five calendar days. Perception does not match reality.

The vast majority of those reviews were for residences that the Department was obligated to regard as historic properties only because they meet the overly broad statutory definition making any building over fifty years old “historic.” Most of those residences for which permits were reviewed would not qualify for inclusion in the Hawaii Register of Historic Places (Hawaii Register). Even for homes that would qualify for inclusion in the Hawaii Register, many of the

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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

permits reviewed were for activities that would not affect the qualities of the home qualifying it for the Hawaii Register.

- The Department recognizes that many of these reviews, even though completed in a very timely fashion, are simply unnecessary and burden the homeowner, the counties, and the Department.
- The Department believes that the categorical exemption approach proposed in this measure will result in the inadvertent damage and loss of important historic properties, as well as posing significant administrative problems.
- The overwhelming majority of structures in Hawaii have never been inventoried and evaluated to determine whether or not they are eligible for inclusion in the Hawaii Register.
- Limiting review to only those properties already known to be eligible, guarantees that many of Hawaii's valuable heritage resources will be inadvertently altered, damaged or destroyed.
- While most residential improvements have little or no likelihood of damaging archaeological properties, additions to residences do have such potential. A blanket exemption for residences not already included in or nominated for inclusion in the Hawaii Register will almost certainly result in damage to archeological sites and disturbance of iwi kapuna.
- Furthermore, the categorical exemption established here will create substantial administrative problems in historic districts as well as when projects otherwise subject to review under 6E may affect private residences.
- Hawaii Register historic districts often include properties that do not contribute to the character of the district as well as those that contribute to defining it as a historic district. It is an unfortunate fact that for many of the historic districts designated in the early days of Hawai'i's State Historic Preservation Program, little or no effort was made to differentiate between the contributing and non-contributing structures. Senate Bill 2633, Senate Draft 1 offers no guidance on how residences within a historic district should be treated with respect to the 6E review.
- Because the amending language proposed in Senate Bill 2633, Senate Draft 1 categorically excludes private residences from the definition of historic property except in the unusual circumstances where they have previously been listed in or nominated for inclusion in the Hawaii Register, consideration of the effects of undertakings on private residences not proposed by the homeowner but sponsored by or subject to approval by government agencies and otherwise subject to review under 6E would be effectively precluded from consideration during 6E review.
- To address these issues, the Department recommends that Senate Bill 2633, Senate Draft 1 be further amended to read:

SECTION 1. Section 6E-2, Hawaii Revised Statutes, is amended by amending the definition of "historic property" to read as follows:

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, ~~[which]~~ that is [over fifty years old.] listed in or eligible for inclusion in the Hawaii register of historic places.

The Department believes that this language resolves the administrative problems that arise from the language proposed in Senate Bill 2633, Senate Draft 1 as currently written, while at the same time, providing the Department with the statutory basis for addressing the issue; thus resolving the problem of unnecessary reviews while at the same time protecting Hawai'i's unique cultural and historic heritage.

March 14, 2014

The Honorable Cindy Evans, Chair
House Committee on Water and Land
State Capitol, Room 325
Honolulu, Hawaii 96813

RE: S.B. 2633, S.D.1, Relating to Historic Property

HEARING: Friday, March 16, 2014, at 10:00 a.m.

Aloha Chair Evans, Vice Chair Lowen, and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,300 members. HAR **strongly supports** S.B. 2633, S.D.1 which amends the definition of "historic property" to exclude any private residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places.

Nearly half of Hawaii's homes are approaching or already 50 years old or older. The current rule of 50 years to determine a property is historic is overly broad in that it applies regardless of whether the property qualifies as historically significant. Also, it does not take into account the scope of the project or type of permit sought. Even a minor bathroom renovation would be affected.

HAR believes that this measure addresses the true intent of preserving bona-fide historic properties, by excepting from the definition of historic property any residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places.

The burden for homeowners, for even minor projects, will be alleviated by clarifying that a review is not required for a private residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawai'i register of historic places.

Mahalo for the opportunity to testify in strong support of this measure.

TO: Representative Cindy Evans, Chair
Representative Nicole Lowen, Vice Chair
House Committee on Water and Land

FROM: Sara L. Collins, Ph.D., Legislative Chair
Society for Hawaiian Archaeology
sara.l.collins.sha@gmail.com

HEARING: Friday, March 14, 2014 10:00 AM, Room 325

SUBJECT: Testimony in Opposition to SB 2633, SD1, Relating to Historic Property

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. SB 2633, SD1, proposes to amend Section 6E-2, Hawaii Revised Statutes (HRS) pertaining to Historic Preservation by amending the current definition of "historic property" to exclude any private residence that has not been entered, or nominated by the owner of the residence for entry onto the Hawaii Register of Historic Places (Register).

This measure is intended to address concerns that County permit applications, specifically those for private residences, are being excessively delayed by the historic preservation review process required under HRS §6E-42. This law and its implementing regulations require that the State Historic Preservation Division (SHPD) to be given the **opportunity by other government agencies including the Counties** to review projects that may affect historic properties. Historic properties are currently defined in the law as being those older than fifty years. By removing private residences from the definition of historic properties as proposed in SB 2633, SD1, it is believed that most of the permit application delays faced by owners of private residences will be eliminated.

We strongly oppose this proposed redefinition of historic property because it would effectively remove most of State's historically significant private residences from any consideration under the historic preservation review process. Only a fraction of the significant historic residences in the State are listed in the Register because they have never been nominated for inclusion in the Register and most have never even been evaluated for their historic significance. Inclusion in the Register is largely voluntary and is primarily done at the owner's request. This amendment, in effect, makes this project review process limited only to those owners who have agreed, by virtue their residences being on the Register, to participate in this County-level review process.

The following are several other problems we see with this amendment:

- We strongly believe that no one category of the historic property should be treated differently under the state's historic preservation law because it diminishes historic preservation efforts as a whole and adds unnecessary confusion to a long-standing and routine process which some already find too complex.
- Requiring that only residences listed in the Register be considered under the historic preservation project review process reverses a decades-long trend of moving beyond constraints inherent in the Register nomination and listing process. This trend developed because such limitations result in there being no opportunity to encourage owners to preserve and maintain, in this case, their historic residences and the neighborhoods these residences play a critical role in defining. Even relatively minor steps can sometimes be taken to help residences maintain their historic character without going through the Register process. In any case, a very small percentage of these residences are ever proposed for Register listing.

-
- Residential construction projects can often have an effect on non-architectural historic properties, such as human burials or buried cultural layers, which are adjacent to the structures or are potentially disturbed during project related excavation. Without a prior review by SHPD, the likelihood of residential projects being stopped or delayed by these inadvertent discoveries will increase.
- While we can understand the frustration experienced by the public if needed county or state permits are delayed, we also strongly believe that the issue of late and outstanding permit reviews is primarily an operational problem and should be addressed at this level before considering statutory changes. We believe a great deal could be done to increase the timeliness and effectiveness of residential property reviews if the Counties worked with SHPD to systematically review their respective procedures and practices; identify specific ways to improve and better coordinate reviews; and make better use of available technologies. A number of approaches to better manage these reviews are consistent with the current law and regulations.
- To date, none of the County planning or permitting agencies appears to have participated in the legislative discussion of these issues. Since these agencies are responsible for implementing Chapter 6E-42 by sending permit applications to SHPD for review, we believe that any legislative solution to the perceived problems should explicitly include these entities.
- With all due respect, we believe the committee report for Senate Draft 1 demonstrates that the Senate committees' support for this amendment was based on a mistaken understanding of the historic preservation laws, regulations, and project review process. The Senate committees stated that the broad definition of historic property in the law (i.e., properties over fifty years old) "assumes that age is equivalent to historic importance" and therefore many private residences must needlessly go through the historic preservation review process. In fact, this broad definition does not equate age with historic importance. Instead it is only the first step in a review process designed to further consider if a residence may be historically significant and if the proposed improvements will even affect the historic character of the residence. Many private residences that are not on the Register are worthy of this basic consideration.

If the legislature wishes to address this issue in a proactive way, we suggest that it use this bill as a vehicle to call for this coordination, possibly through establishment of a narrowly focused taskforce. If successful, this exercise would benefit all historic properties subject to HRS §6E-42 reviews and not just those that are private residences.

Consequently, we respectfully ask that you HOLD SB 2633, Senate Draft 1 and not pass it any further.

Thank you for the opportunity to provide testimony. Should you have any questions, please feel free to contact me at the above email address.

lowen2-Nga

From: Bob Liljestrand <bobldesign@hawaii.rr.com>
Sent: Wednesday, March 12, 2014 9:57 AM
To: waltestimony
Cc: Durand Vicky; Faulkner Kiersten
Subject: Historic Preservation...

To Whom it May Concern:

As one who realizes that preserving our built community preserves our story, our history, and as one who knows a bit about architectural history in Hawaii I am shocked by the suggestion that residential structures be excluded from historic registration. Vladimir Ossipoff is, arguably, Hawaii's greatest architect. I believe he is also Hawaii's greatest artist. "This is more than architecture, this is art!" is repeated often in tours I offer of an Ossipoff residence. Although he did public buildings a major part of his work was residential. To arbitrarily exclude that work from the possibility of registration is absurd.

I suspect this bill has less to do with challenging residential registration and more to do with eliminating tax exemptions for people struggling to preserve our past and providing easier access to neighborhoods for developers.

What ever the reason it is a bad idea!

Please vote agains this bill.

Sincerely,

Bob Liljestrand, AIA Associate



TO: Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair
Committee on Water & Land

FROM: Kiersten Faulkner, Executive Director
Historic Hawaii Foundation

Committee: Friday, March 14, 2014
10:00 a.m.
Conference Room 325

RE: SB 2633 SD1, Relating to Historic Property

On behalf of Historic Hawaii Foundation (HHF), I am writing in **strong opposition to SB2633 SD1**. The bill would amend Hawai'i Revised Statutes §6E to revise the definition of historic property to exclude any residential property, except for those designated on the state register of historic places.

The historic and cultural resources of Hawai'i are a great legacy and irreplaceable treasures. No less than other types of historic properties, the homes and neighborhoods of Hawai'i depict the architectural, social and economic history of the Islands. The natural beauty of Hawai'i is complemented by its neighborhoods, small towns, vernacular architecture, blend of indoor and outdoor design features, and other characteristics of the distinctive built environment of these islands. The houses of Hawai'i are a reflection of its physical setting and social history.

By summarily dismissing all residential property from even considering and evaluating potential historic significance, SB2633 SD1 would inevitably lead to the destruction or damage to significant historic properties, and would be to the overall detriment of Hawaii's cultural heritage.

BACKGROUND

The constitution of the State of Hawai'i recognizes the value of conserving and developing the historic and cultural property within the State for the public good, and the Legislature has declared that it is in the public interest to engage in a comprehensive program of historic preservation at all levels of government to promote the use and conservation of such property for the education, inspiration, pleasure and enrichment of its citizens.

In order to meet this mandate and to ensure that the historic and cultural resources of Hawai'i are treated appropriately, it is necessary to have a framework based on criteria and standards to define and differentiate which properties are subject to the state's historic preservation program.

Currently, HRS §6E-2 defines historic properties as any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.

This definition has the advantage of being simple to understand and simple to evaluate, as it relies on a single piece of data: age of construction.

However, that definition is also unnecessarily broad, and assumes that age is equivalent to historic importance. Within the discipline and practice of historic preservation, there are two additional criteria used to screen properties: historic **significance** and **integrity**.

Historic Hawai'i Foundation supported the initial intent and original language of the bill, which would provide additional standards and clarity to the definition of historic property by amending **HRS §6E-2 to read:**

“Historic property” means any building, structure, object, district, area or site, including heiau and underwater site, which is over 50 years old and that meets the criteria for being entered into the state register of historic places. [new language is underscored].

However, the SD1 version of the bill turned this intent completely aside, and instead used the bill as a vehicle to disavow the historic significance of all of Hawai'i's houses, neighborhoods, communities and habitations. This is a disturbing and dangerous approach to a perceived issue that has been overblown, and to which there are better solutions than a blanket redefinition of historic property.

HISTORIC PRESERVATION FRAMEWORK

Proponents of the bill to change the definition of historic property have alleged that that the historic preservation review process has delayed the granting of permits by “many months” and “has had a negative impact on the construction industry.”

Their ill-advised proposal would attempt to address this perceived issue not by addressing the actual concern, but rather by pretending that houses cannot be historically significant, and therefore would not be worthy of preservation efforts.

The problem appears to be overstated. The department's analysis of its response times indicates that in 2013, the State Historic Preservation Division review took 17 days on average, and the most common length for a review was five calendar days. This is a reasonable turnaround time for any government action, and well within the regulatory parameters.

The construction industry also alleges that historic preservation is a detriment to the industry. This is an extremely shortsighted and ill-informed assessment of the overall effect. National studies of the economic benefits of historic preservation have found¹:

¹ References:

Lahr, Michael L., David Listoken, et al. *Economic Impacts for Historic Preservation in Nebraska*. New Brunswick, New Jersey: Center for Urban Policy Research, Rutgers, The State University of New Jersey, October 2007.

Mandala Research, LLC. “The Cultural and Heritage Travelers Study.” 2009

Rypkema, Donovan D. *The Economics of Historic Preservation: A Community Leader's Guide*. Washington DC: National Trust for Historic Preservation, 1994.

----. 2005 “Economic Sustainability and Historic Preservation.” Speech presented at the National Preservation Conference, Portland, Oregon, October 1, 2005.

Wichman, Wendy. *The Economic Benefits of State Historic Preservation Investment Tax Credits*. Honolulu, Hawai'i: Historic Hawai'i Foundation, 2008.

- **Rehabilitation projects create jobs:** in a typical rehabilitation project, 60%-70% of the total cost is labor. Laborers are almost always hired locally, which supports the local economy, and is a direct and quantifiable benefit for the trades and construction industry.
- **Rehabilitation costs are roughly the same as building new:** if no demolition is required, a major rehabilitation will cost between 12% less and 9% more than new construction. If demolition is included in the new construction costs, rehabilitation costs less by 3%-6%.
- **Historic destinations attract visitors:** cultural heritage travelers on average spend more (\$994 per trip vs. \$611) and travel more often (average 5 trips compared with slightly less than 4). This type of tourism both protects the culture and identity of a place, while also providing economic benefits for the host community.

RECOMMENDATIONS

Previous testimony on this subject matter raised concerns with the volume of aging properties and how the historic preservation review process will be managed. There has also been discussion of the workload on the state and county agencies in processing the review and compliance actions.

As we are mindful of these concerns, Historic Hawai'i Foundation also notes that the overriding public policy should be to evaluate proposed changes to the law not only for efficiency in pushing paper, but also in effectiveness in protecting historic properties.

From August to October 2013, HHF participated in a working group convened by the City & County of Honolulu Department of Planning and Permitting (DPP) to review and recommend improvements to the historic preservation review process. DPP established the task force to review the current practices and recommend ways in which they could be improved. The task force included subcommittees on both architectural and archaeological resources. Members included SHPD, Historic Hawai'i Foundation, Land Use Research Foundation, Building Industry Association, American Institute of Architects Honolulu, American Planning Association Hawai'i, O'ahu Island Burial Council, Association of Hawaiian Civic Clubs, and preservation architecture firms.

The committee recommended improvements to the interface between the State and County systems and also substantive improvements for both response to individual cases and affirmative steps to address preservation issues more holistically.

Key recommendations formed by the committee included:

1. Track all permits by site identification (such as Tax Map Key Number) and not just permit type. Once SHPD has determined whether or not a particular property is or is not eligible for the historic register, future permits may be routed accordingly. Currently, DPP sends successive permit applications to SHPD for comment even after the State has determined that the property is not historic and has asked for no further review.
2. Determine a list of categorical exclusions that do not adversely affect historic properties and so do not require SHPD review. This list already includes such items as tenant finishes in commercial buildings, internal electrical rewiring, driveways and fences, and electric meters. The task force recommended expanding the list to any permitting action that would not have an adverse effect.

3. Determine best preservation practices for common rehabilitation or repairs and provide a checklist that would apply to those items. If the applicant meets the basic standards, no further review would be needed. This would apply primarily to exterior alterations that have the potential to affect the character of the historic property, such as solar panels, additions or enclosures, or changes to doors and windows.
4. Use Inventory and Survey projects to identify in advance those historic properties and districts that are most significant and should have special protections or treatment. This type of inventory and historic district designation has been neglected for several decades, so the official list of historic properties underrepresents certain property types. The group recommended a long-term project to conduct historic inventories, context studies and historic district designations to remedy the shortage.

Historic Hawai'i Foundation supports these effective methods to preserve historic properties and provide for efficient government services without undue burden on property owners and other constituents. We strongly recommend that these administrative remedies be implemented and tested to see if they strike the proper balance.

CONCLUSION

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF's 850 members and numerous additional supporters work to preserve Hawai'i's unique architectural and cultural heritage and believe that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.

Therefore, Historic Hawai'i Foundation opposes SB2633 SD1 and respectfully asks the committee to hold the bill. Thank you for the opportunity to comment.



ARCHITECTURE
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RESEARCH

Mason Architects

11 March 2014

Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice-Chair
Committee on Water & Land
House of Representatives
State of Hawaii

Subject: SB2633, SD1, Relating to Historic Property

Representatives Evans and Lowen, Members of the Committee:

This letter registers my opposition to the changes proposed by this bill. This bill is flawed for two major reasons. First, on its face it appears to establish that historic residences are less important than other properties, and since they are less important, they do not merit the same consideration given to all other property. This conclusion is probably not the intent of SB2633 SD1, but it would be the result. This would set a dangerous precedent that is contrary to Federal preservation law and interpretations.

The second major flaw is the assumption that the current law imposes onerous time delays in getting building permits. My own experience as an architect working on historic residences has shown this not to be true. In general, the State Historic Preservation Division has reviewed our permit submittals within a few days and responded in a timely manner.

I urge this bill not be passed.

Sincerely,

Glenn E. Mason, AIA
President



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Kailua, HI 96734
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Fax (808) 263-5966
www.ccs-hawaii.com

March 12, 2014

**Testimony to the House Committee on Water and Land
Friday March 14, 2014
10:00am
Capitol, Room 325**

RE: S.B. 2633, SD 1, RELATING TO HISTORIC PROPERTY

Dear Chair Evans, Vice-Chair Lowen, and members of the Committee,

I am Greg Thielen, President and RME of Complete Construction Services. I am a Small Business Owner and have over 20 years experience in the Construction Industry. I am also the 2013 President of BIA Hawaii.

I am here to strongly **SUPPORT** SB 2633, SD 1. This bill actually restores the status quo that existed prior to 2008. Prior to that time SHPD followed the law as specified under section 6E-10 which applies to Privately owned historic property. Like SB 2633, SD 1 this section states that only historic property already on the Hawaii register of historic places are subject to SHPD review. Since 2008 SHPD has administratively chosen to follow 6E-42 which gives them broader authority and this change has created the problems we are all familiar with today. Please pass SB 2633, SD 1 and restore the sensible approach to the review process that served our community well for decades.

Thank you for the opportunity to provide this testimony.

Sincerely,

Greg Thielen
President/RME



**Testimony to the House Committee on Water and Land
Friday, March 14, 2014 at 10:00 A.M.
State Capitol Conference Room 325**

RE: SENATE BILL NO. 2633 SD 1, RELATING TO HISTORIC PROPERTY

Chair Evans, Vice Chair Lowen, and members of the committee:

The Chamber **strongly supports** S.B. 2633 SD1 which would amend the definition of "historic property" to exclude any private residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

In recent years, ministerial approvals (i.e. County Building Permits) have been referred to the State Historic Preservation Division for review in accordance with Chapter 6E, Section 42 which states:

“§6E-42 Review of proposed projects. (a) Before any agency or officer of the State or its political subdivisions approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect *historic property*, aviation artifacts, or a burial site, the agency or office shall advise the department and *prior to any approval allow the department an opportunity for review and comment on the effect of the proposed project on historic properties*, aviation artifacts, or burial sites, consistent with section 6E-43, including those listed in the Hawaii register of historic places (Emphasis added).”

SHPD's interpretation of the law has caused many renovation and remodeling type building permits on houses older than 50 years old to be routed to SHPD for compliance with Chapter 6E HRS. These include homes and entire subdivisions that were constructed in the 1950's and 1960's. Each year more and more track type subdivision homes become eligible simply because they are 50 years old or older.

The volume of permits being submitted has created a backlog at SHPD in the time required to review and process the permits. Furthermore, while SHPD is conducting its review, the City and County of Honolulu is unable to complete processing the building permit effectively, creating backlogs at two agencies for the same permit.

The proposed bill would simply remove, from the definition of historic property, any private residences that have not been entered, or nominated by the owner of the residence for



Chamber *of* Commerce HAWAII

The Voice of Business

entry, onto the Hawaii register of historic places. The bill focuses only on vertical residential structures and does not apply to any subsurface work.

We believe that the proposed language would allow for the bulk of work on residential structures to move forward without unnecessary delays, and allow SHPD to focus on residences that are worthy to be placed on the Hawaii Register of Historic Places.

Thank you for the opportunity to express our views on this matter.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 12, 2014 1:15 PM
To: waltestimony
Cc: ewabond@gmail.com
Subject: Submitted testimony for SB2633 on Mar 14, 2014 10:00AM

SB2633

Submitted on: 3/12/2014

Testimony for WAL on Mar 14, 2014 10:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
John Bond	Kanehili Cultural Hui	Oppose	No

Comments: The SD1 version of this bill opens the door for all kinds of abuse by land speculators and developers. I have frequently seen where land dealers and flippers, such as in Kalaeloa, will spend a few years prepping a land deal by initiating historic building deterioration, cutting down large historic trees, having "vandals" chop down light poles, power poles, etc. in order to create the "loss of historic integrity" before the project is announced. This perverted and unnecessary redefinition of this important historic preservation statute will be used in ways that aren't immediately apparent but clearly the land developers and big construction groups know exactly what they intend to do with this major new loophole in the historic preservation statutes. This bill should be killed. Leave this statute alone or go back to the original bill, not the sneaky SD-1.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

lowen2-Nga

From: George Outlaw <georgeandmary@mac.com>
Sent: Thursday, March 13, 2014 9:51 AM
To: waltestimony
Subject: HB 1678---SB 2633

Aloha,

I oppose these bills for the following reasons:

Homes and human habitation are important elements of any community's history. It is illogical and extreme to exclude them from the definition of historic property.

2. State law should be consistent in treating similar cases using the same standards. It is arbitrary to treat some historic properties less seriously than others.

3. There are more appropriate and common-sense solutions to a perceived issue related to permit review, rather than to exclude entire neighborhoods and communities from measures developed to protect them.

4. Undermining the protection of residential properties merely because the review is inconvenient could also lead to undermining protection of other classes of historic and cultural sites when they are also inconvenient.

Mahalo,

George Outlaw

March 12, 2014

Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair
Committee on Water & Land

Re: SB2633 SDI, Relating to Historic Property

Dear Representatives Evans and Lowen:

I am writing in **strong opposition to SB2633 SD1**. The bill would amend Hawai'i Revised Statutes §6E to revise the definition of historic property to exclude any residential property, except for those currently designated on the state register of historic places.

Hawaii's historic houses are a significant part of our state's historic and cultural resources. They are links to where Hawaii's kupuna lived, where they raised their children, and the neighborhoods that were formed around them. They represent a building type that was in many cases designed by local and immigrant tradesmen rather than through architectural commissions. They are no less important than other architectural works and are irreplaceable treasures.

My wife and I submitted our house built in 1926 for historic designation in the early 90s. Maintaining it provides continued work for local trades and business for local building supply houses. We have also opened it to historic Manoa community tours on two occasions.

By eliminating all residential property from consideration and evaluation for potential historic significance, SB2633 SD1 would inevitably lead to the destruction or damage to historic properties, and would be to the overall detriment of Hawaii's cultural heritage.

I urge you to hold this bill from further consideration and adoption into law.

Respectfully,



Joe Ferraro, FAIA, LEED AP
Principal

Representative Isaac Choy
Senator Brian Tanaguchi

lowen2-Nga

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 12, 2014 9:15 PM
To: waltestimony
Cc: clkkimura@gmail.com
Subject: *Submitted testimony for SB2633 on Mar 14, 2014 10:00AM*

SB2633

Submitted on: 3/12/2014

Testimony for WAL on Mar 14, 2014 10:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cara Kimura	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 13, 2014 11:05 AM
To: waltestimony
Cc: lindalegrande2243@gmail.com
Subject: Submitted testimony for SB2633 on Mar 14, 2014 10:00AM

SB2633

Submitted on: 3/13/2014

Testimony for WAL on Mar 14, 2014 10:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Legrande	Individual	Oppose	No

Comments: Certainly there are more common sense and realistic ways to review permits than excluding entire neighborhoods and communities from valuable measures that were established to protect them. This bill will allow destruction and demolition of structures that 'house' our built history. I am strongly opposed to this method that would declare all homes/houses/structures insignificant unless already formally designated. That's ridiculous !!! Thank you for hearing me out! aloha, Linda Legrande

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 11, 2014 8:12 PM
To: waltestimony
Cc: MSMatson@hawaii.rr.com
Subject: Submitted testimony for SB2633 on Mar 14, 2014 10:00AM

SB2633

Submitted on: 3/11/2014

Testimony for WAL on Mar 14, 2014 10:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Matson	Individual	Oppose	No

Comments: I strongly oppose this altered measure, which has been amended to read the opposite of its original intent. Historic properties retain their significance, integrity and eligibility whether registered or not. There are many significant historic residential properties that have not been registered. The present language is a foolhardy invitation for any future speculative buyers to destroy historic residential resources if the present owners have not registered them. Please do not weaken Hawai'i's historic preservation laws with the misguided language in this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: Rfoxent@aol.com
Sent: Tuesday, March 11, 2014 6:41 PM
To: walttestimony
Subject: Oppose the bills to remove housing from possible future historic status.

Please do not pass this ill conceived bill. Hawaii has many historic homes which have not been viewed, or registered. The process is difficult and intimidating so I can see why many families just don't want to bother going through the process. However, we cannot make laws just because some folks are too intimidated or lazy to bring their buildings to the attention of the historic department.

We are talking about the heritage of Hawaii.. Once you tear down a building because some short sighted person doesn't see any value in it,, you can never get it back..

Case in Point.. Alii Nui Princess Ruth Keekauliki's beautiful mansion in town was bulldosed and now all we have are postcards and old photos. Is this the way to treat the heritage of the Hawaiian state and its people?

Please think for the long term.. Think for posterity and oppose these two short sighted damaging bills.

Whoever thought them up must have some hidden agenda. I presume it is money.. (as it usually is)

The history of this land is more important than the lining of a few head honcos pockets.

Do the right thing and say no to these misguided bills.

Robert E. Fox
2022 University Ave.
Honoulu, HI. 96822
808-256-1071

Written Testimony for the
Committee on Water and Land
Friday, March 14, 2014
Conference Room 325
Senate Bill 2633 SD 1
Relating to Historic Property

Chairperson Evans, Vice Chair Lowen and Committee Members

Thank you for your time and the opportunity to submit this testimony.

My name is Grace Ishihara and I am a resident of Kaka'ako.

I oppose SB 2633 SD1. I do not agree with amending the definition of historic property to exclude any private residents that has not been entered, or nominated by the owner of the residence of entry, onto the Hawaii register of historic places for the following reasons:

- Homes and human habitation are important elements of any community's history. It is illogical and extreme to exclude them from the definition of historic property.
- State law should be consistent in treating similar cases using the same standards. It is arbitrary to treat some historic properties less seriously than others.
- There are more appropriate and common-sense solutions to a perceived issue related to permit review, rather than to exclude entire neighborhoods and communities from measures developed to protect them.
- Undermining the protection of residential properties merely because the review is inconvenient could also lead to undermining protection of other classes of historic and cultural sites when they are also inconvenient.

Hawaii has many beautiful buildings that are also residential properties. These properties are irreplaceable and should be protected by the law. I have already seen developers that are interested in making a profit by tearing down buildings without regard to their historical value.

Very Respectfully,

Grace Ishihara
ue-wale0903@hotmail.com



Testimony of Cindy McMillan
The Pacific Resource Partnership

House Committee on Water and Land
Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair

SB 2633, SD1 – Relating to Historic Property
Friday, March 14, 2014
10:00 AM
Conference Room 325

Aloha Chair Evans, Vice Chair Lowen and Members of the Committee:

The Pacific Resource Partnership (PRP) is a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters.

PRP **supports** SB 2633, SD1, which would amend the definition of "historic property" to exclude any private residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places.

SHPD's interpretation of the law has caused many renovation and remodeling type building permits on houses older than 50 years old to be routed to SHPD for compliance with Chapter 6E HRS. This includes hundreds, if not thousands of homes including entire subdivisions that were constructed in the 1950's and 1960's. Each year more and more tract-type subdivision homes cross the 50-year threshold. As these buildings age, repairs and renovation are necessary to meet the needs of today's inhabitants. However, under SHPD's existing interpretation, any change to the property, even the installation of solar rooftop panels, must be approved by the department.

The volume of permits being submitted has created a backlog at SHPD, and it is taking longer for permits to be reviewed and permits processed. Furthermore, while SHPD is conducting its review, the City and County of Honolulu is unable to complete the building permit process, effectively creating backlogs at two agencies for the same permit.

This bill clarifies that an old home is not necessarily a historic property. To meet the definition of historic property, private residences would have to be entered or nominated by the owner of the residence for entry onto the Hawaii register of historic places. The bill focuses only on vertical residential structures and does not apply to any subsurface work.

March 14, 2014

Testimony supporting SB 2633, SD1 – Relating to Historic Property

Page 2

PRP believes that the proposed language is a reasonable way to allow for the bulk of much-needed work on aging tract housing to move forward without unnecessary delays, and it will allow SHPD to focus on residences that are worthy of being placed on the Hawaii Register of Historic Places.

Thank you for the opportunity to express our views and we kindly ask for your favorable consideration on SB 2633, SD1.

lowen2-Nga

From: Victoria Cannon <vsc@hawaiiantel.net>
Sent: Wednesday, March 12, 2014 8:32 AM
To: waltestimony
Subject: SB 2633 SD 1

Aloha, we oppose SB 2633 SD 1. Do not remove all residential property from State historic preservation Division.

Homes as well as all property are ALWAYS relevant to a community's history. All property needs protection from abuse by greed.

Victoria and Trudy Cannon

lowen2-Nga

From: rike weiss <rikeweiss@hotmail.com>
Sent: Thursday, March 13, 2014 10:44 AM
To: waltestimony
Subject: SB2633 SD1 and HB1678 HD1

I oppose SB2633 SD1 and HB1678 HD1

Aloha kakou:

SB2633 SD1 and HB1678 HD1 aim to remove all residential property from the oversight of the State Historic Preservation Division, in essence **declaring all residential property as historically insignificant**, unless it has already been formally designated. While there certainly have been issues with SHPD, these bills are akin to throwing the baby out with the bath water.

Homes and the people who live in them are what make a community. Homes tell a community's history, and we travel all over the world to view historically significant homes. If Iolani Palace were not on the national register already, would it also be affected and be swept aside under these bills?

Surely there must be a less drastic and more sane way to improve the permitting review process, and I trust that together you will find it. Thank you.

Rike Weiss

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

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TESTIMONY TO THE HOUSE COMMITTEE ON WATER AND LAND

Friday, March 14, 2014

10:00 a.m.

Conference Room 325

RE: SENATE BILL NO. 2633, S.D. 1 RELATING TO HISTORIC PROPERTY

Dear Chair Evans, Vice-Chair Lowen, and members of the Committee:

My name is Gladys Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

BIA-HAWAII **strongly supports** S.B. 2633 S.D. 1, which would amend the definition of "historic property" to exclude any private residence that has not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places.

In recent years, ministerial approvals (i.e. County Building Permits) have been referred to the State Historic Preservation Division for review in accordance with Chapter 6E, Section 42 which states:

"§6E-42 Review of proposed projects. (a) Before any agency or officer of the State or its political subdivisions approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect *historic property*, aviation artifacts, or a burial site, the agency or office shall advise the department and *prior to any approval allow the department an opportunity for review and comment on the effect of the proposed project on historic properties*, aviation artifacts, or burial sites, consistent with section 6E-43, including those listed in the Hawaii register of historic places (Emphasis added)."

SHPD's interpretation of §6E-42, which has varied through the years, has caused many renovation and remodeling type building permits on houses older than 50 years old to be routed to SHPD for compliance with Chapter 6E HRS. These include homes and entire subdivisions that were constructed in the 1950's and 1960's. Each year more and more track type subdivisions homes become eligible simply because they are 50 years old or older.

The volume of permits being submitted has created a backlog at SHPD in the time required to review and process the permits. Furthermore, while SHPD is conducting its review, the City and County of Honolulu's Department of Permitting and Planning (DPP) is unable to conclude the processing of the building permit, effectively creating backlogs at two agencies for the same permit.

Honorable Cindy Evans, Chair
House Committee on Water and Land
March 14, 2014
Testimony of BIA-Hawaii

The proposed bill provides a **clear guideline** simply by removing, from the definition of historic property, any private residences that have not been entered, or nominated by the owner of the residence for entry, onto the Hawaii register of historic places. The bill focuses only on vertical residential structures and does not apply to any subsurface work.

We believe that the proposed language would allow for the bulk of work on residential structures to move forward without unnecessary delays, allow SHPD to focus on residences that are worthy to be placed on the Hawaii Register of Historic Places, and restore a degree of common sense that has been lost in the current process. This can, and should be, done while preserving the true intent of HRS 6E and historic preservation of our important historical and cultural resources.

Thank you for the opportunity to express our views on this matter.



25 Malunui Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

March 1, 2013

COMMITTEE ON WATER & LAND

Rep. Cindy Evans, Chair

Rep. Nicole Lowen, Vice Chair

SB 2633

RELATING TO HISTORIC PROPERTY

Hawaii's Thousand Friends, a statewide non-profit organization dedicated to reasonable and responsible growth that protects land, water, cultural resources and human health, opposes SB 2633 that changes the definition of an historic property.

While the proposed amendment seems harmless in reality the change can cause great harm by giving a homeowner the opt-out opportunity not to place their property that might have genuine historical value on the register.

Two examples:

- 1) The former navy officer housing at Kalaeloa now owned by Hunt Corporation has not been evaluated for their historical significance nor nominated to the State Register of Historic Places but instead the housing has been allowed to deteriorate. The only thing keeping these residences from being demolished is their 50- year old status. Pass this amendment and they are gone.
- 2) In Maunawili Valley, on Oahu, the home where Queen Liliuokalani rested on her trips around the island and where she was inspired to write Aloha `Oe still exists. While in major disrepair the home is still there but the landowner has never nominated it for listing on the State Register of Historic Places. Will passage of this bill give the landowner the ammunition needed to demolish this historic residence?

We believe that the solution being sought in this bill lies with each county where the planning departments require an applicant to answer a list of questions and submit photos showing that the residence does not retain any historic integrity. Once a county planning department certifies, through a check off list and photos that the property does not have historical value then that record is sent to the SHPD for approval.

If SB 2633 is passed the number of truly historic residential properties that will be lost because a landowner, knowingly or unknowingly, didn't nominate the property is unknown. Is it worth the gamble?

Please hold SB 2633 in committee because if passed it will be a license to demolish.