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## 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 statistics from the United States  
2 Census Bureau and the department of business, economic  
3 development, and tourism, thirty per cent of housing structures  
4 in Hawaii were built in 1969 or earlier. This percentage is  
5 higher on Oahu, where nearly forty per cent of private  
6 residences on Oahu were built in 1969 or earlier. In certain  
7 census tracts, this number is even as high as eighty-five per  
8 cent.

9           Hawaii law now classifies any building, structure, object,  
10 district, area, or site over fifty years old as historic  
11 property. Further, current historic preservation law requires  
12 the state historic preservation division of the department of  
13 land and natural resources to review proposed projects on  
14 historic properties before permits may be granted. In certain  
15 instances, this requirement has delayed the issuance of permits,  
16 which has had a negative impact on homeowners who want to repair  
17 or renovate their homes. As nearly forty per cent of



1 residential properties on Oahu have reached or are approaching  
2 fifty years of age, it is prudent for the State to reexamine the  
3 current processes and procedures regarding historic properties.

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

- 6 (1) Exempting residential real property not included on or  
7 nominated by the owner for inclusion onto the Hawaii  
8 register of historic places for designation as  
9 historic property; and
- 10 (2) Specifying that residential real property exempt from  
11 designation as historic property is further exempt  
12 from review for historic preservation purposes by the  
13 department of land and natural resources in connection  
14 with applications for project or land use permits.

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

18 "Historic property" means any building, structure, object,  
19 district, area, or site, including heiau and underwater site,  
20 [~~which~~] that is over fifty years old~~[-]~~ and, if a private



1 residence, has been entered onto the Hawaii register of historic  
2 places or nominated for entry by the owner of the residence."

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

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



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1 used or occupied as a place of residence for one or more  
2 persons.

3 If:

- 4 (1) The proposed project consists of corridors or large  
5 land areas;  
6 (2) Access to properties is restricted; or  
7 (3) Circumstances dictate that construction be done in  
8 stages,

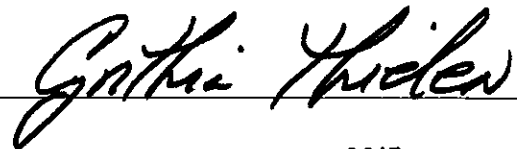
9 the department's review and comment may be based on a phased  
10 review of the project; provided that there shall be a  
11 programmatic agreement between the department and the project  
12 applicant that identifies each phase and the estimated timelines  
13 for each phase."

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 on July 1, 2015.

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INTRODUCED BY:



JAN 21 2015



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**Report Title:**

Historic Preservation; DLNR; Historic Property

**Description:**

Exempts private residences not on or nominated by the owner onto the Hawaii register of historic places from designation as a historic property in order to exempt those properties from DLNR historic preservation review in connection with project permit or land use applications.

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

