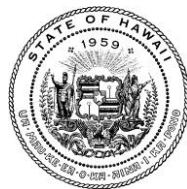


JOSH GREEN M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION

Ka 'Oihana 'Auhau
P.O. BOX 259

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GARY S. SUGANUMA
DIRECTOR

KRISTEN M.R. SAKAMOTO
DEPUTY DIRECTOR

**TESTIMONY OF
GARY S. SUGANUMA, DIRECTOR OF TAXATION**

TESTIMONY ON THE FOLLOWING MEASURE:

H.B. No. 1918, H.D. 1, Relating to Historic Preservation.

BEFORE THE:

House Committee on Judiciary & Hawaiian Affairs

DATE: Friday, February 09, 2024

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

Chair Tarnas, Vice-Chair Takayama, and Members of the Committee:

The Department of Taxation ("Department") offers the following comments regarding H.B. 1918, H.D. 1, for your consideration.

H.B. 1918, H.D. 1, amends section 235-110.97, Hawaii Revised Statutes (HRS), to extend the sunset date of the Historic Preservation Tax Credit from December 31, 2024, to December 31, 2030, while annually raising the credit's aggregate cap to an unspecified amount for each individual year beginning in taxable year 2025 and ending with taxable year 2030. The measure has a defective effective date of July 1, 3000.

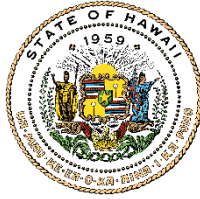
The Department defers to the Department of Land and Natural Resources (DLNR) as to its ability to continue certifying this credit as required by section 235-110.97(g), HRS, but requests that this certification requirement be maintained. The Department does not have the subject-matter expertise to certify this credit and is unable to administer its aggregate cap.

The Department will be able to administer this measure if specific tax credit amounts and a functional effective date are inserted.

Thank you for the opportunity to provide comments on this measure.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
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DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
JUDICIARY AND HAWAIIAN AFFAIRS
Friday, February 2024
02:00PM

State Capitol Room 325 & Via Videoconference

In consideration of
HOUSE BILL 1918 HOUSE DRAFT 1
RELATING TO HISTORIC PRESERVATION

House Bill 1918 House Draft 1 extends the sunset date for the historic preservation tax credit to December 31, 2030, and incrementally increases the cap on the total tax credits from \$1,00,000 in the 2025 taxable year to 4,000,000 in the 2030 taxable year. **The Department of Land and Natural Resources (Department) supports this measure.**

House Bill 1918 House Draft 1 extends the sunset date for the historic preservation tax credit five years to 2030; raising the cap on total tax credits incrementally from \$1,500,000 in 2025 to \$4,000,000 2030. The historic preservation tax credit, as authorized in section 235-110.97(i), Hawaii Revised Statutes, sunsets in 2025. Given this, the existing historic preservation income tax credit will no longer be available following the close of the 2024 taxable year for qualified rehabilitation projects.

The historic preservation tax credit is available to both private residences and income producing properties. Over the past four years, it has primarily been used to rehabilitate historic homes so that they meet contemporary standards. It has also helped to underwrite the rehabilitation and adaptive reuse of commercial buildings. The tax credit has kept both sorts of structures in use while preserving the character and vitality of residential and historic commercial districts. The historic preservation tax credit helps older homeowners, who are living on or soon will be living on fixed incomes to stay in their homes, and helps young homeowners rehabilitate structures, making home ownership and remaining in older homes more affordable. The tax credit helps to alleviate Hawaii's housing crunch. The sunset of the tax credit will come as a great economic loss for those homeowners who wish to assist with the

rehabilitation and continued use of historic buildings in the State which are central to the preservation of Hawaiian history and culture.

During the taxable year just ended, the state historic preservation division (SHPD) approved a total tax credit of just under \$1,000,000, the current cap amount. The SHPD is aware of several commercial projects that will use the historic preservation tax credit where the anticipated qualifying expenses, the expenses on which the credit can be claimed, will exceed the current cap by millions of dollars. Since the credit is awarded on a “first come, first served basis” these large projects will make the tax credit unavailable to individuals wishing to use it for smaller, primarily residential, projects. Extending and increasing the tax credit cap will allow property owners with historic residential properties to purchase and stay in their homes while at the same time help commercial property owners to rehabilitate and adaptively reuse underutilized commercial properties.

Mahalo for the opportunity to provide testimony in support of this measure.

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: INCOME TAX; Historic Preservation Tax Credit; Extension

BILL NUMBER: HB 1918 HD 1

INTRODUCED BY: House Committee on Water & Land

EXECUTIVE SUMMARY: Extends the sunset date for the historic preservation tax credit to December 31, 2030, and incrementally increases the cap on the total tax credits to unspecified amounts in the 2025 taxable year to the 2030 taxable year.

SYNOPSIS: Amends section 235-110.97, HRS, to provide for an extension of the credit beyond 2024 and to be subject to an aggregate cap as follows:

Year	Aggregate Cap*
2025	1,500,000
2026	2,000,000
2027	2,500,000
2028	3,000,000
2029	3,500,000
2030	4,000,000

* These amounts were suggested in the report of the House Committee on Water & Land but are blank in the bill text.

EFFECTIVE DATE: July 1, 3000.

STAFF COMMENTS: The tax system is the device that raises the money that they, lawmakers, like to spend. Using the tax system to shape social policy merely throws the revenue raising system out of whack, making the system less than reliable as there is no way to determine how many taxpayers will avail themselves of the credit and in what amount. The second point to remember about tax credits is that they are nothing more than the expenditure of public dollars, but out the back door. If, in fact, these dollars were subject to the appropriation process, would taxpayers be as generous about the expenditure of these funds when our kids are roasting in the public school classrooms, there isn't enough money for social service programs, or our state hospitals are on the verge of collapse?

If lawmakers want to subsidize the rehabilitation of certified historic buildings, then a direct appropriation would be more accountable and transparent.

Finally, the credit is directed to persons who might have no need for financial assistance. At the moment, we are not aware of data indicating how many taxpayers have taken advantage of this credit and whether the additional amounts are justified. We also are unsure of the public benefit from this credit. Certainly, historic buildings could be preserved; but if people are living in them

and are entitled to their privacy, is it worth the supposed millions in revenue loss to have a few more structures available for people to gawk at from adjacent roadways?

We note that the Foundation is not the only one to raise this question. The City and County of Honolulu, for example, has a historic properties exemption from real property tax, and the most recent Oahu Real Property Tax Advisory Commission report (June 30, 2022)¹ stated:

The Commission reiterates the recommendation made by the 2019 Commission that the exemptions provided to historic residential and commercial real properties be amended to increase the minimum real property tax from \$300 to \$1,000. Should the City Council concur with the recommendation to revise and increase the minimum RPT imposed on these properties, this Commission also suggests the City Council consider a means-based qualification, **as well as whether the historical properties program itself continues to serve a necessary and beneficial purpose to the City and its taxpayers, i.e. repeal.**

Report, at 6 (emphasis added).

Digested: 2/7/2024

¹ Available at <https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=14660>.



Celebrating 50 Years of Preserving Hawai'i's Places

680 Iwilei Road Suite 690, Honolulu HI 96817 • (808) 523-2900 • preservation@historichawaii.org • www.historichawaii.org

TO: Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
Committee on Judiciary & Hawaiian Affairs (JHA)

FROM: Kiersten Faulkner, Executive Director
Historic Hawai'i Foundation

Committee: Friday, February 9, 2024
2:00 p.m.
Via Video Conference and Conference Room 325

RE: HB 1918 HD 1, Relating to Historic Preservation

On behalf of Historic Hawai'i Foundation (HHF), I am writing in **strong support for HB 1918**. The bill would extend the historic preservation tax credit beyond the current sunset date and incrementally increase the cap on the total tax credits allowed annually (amounts currently left blank, to be completed by Finance Committee).

In 2019, the legislature enacted and the governor signed into law a historic preservation tax credit for qualified construction expenses incurred in rehabilitation of historic structures. The program was approved for five-year period and sunsets in 2025 (covering tax year 2024).

Preserving and appropriately using historic buildings are ways to enhance community character, provide affordable housing, provide an alternative to sprawl, create jobs, encourage heritage tourism, and generally spur economic development in older neighborhoods and commercial districts. Historic preservation tax credit programs have proved to be successful incentives for rehabilitating older structures and returning them to useful life.

The State's historic tax credit program is starting to be more widely used and gaining momentum for helping to preserve and rehabilitate historic buildings. We expect that the extension of the program will allow for certainty in planning and financing for eligible projects and that the benefits will be seen throughout the community as these projects come to fulfillment.

Thank you for the opportunity to comment.

HB-1918-HD-1

Submitted on: 2/8/2024 7:18:11 PM

Testimony for JHA on 2/9/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this measure

HB-1918-HD-1

Submitted on: 2/8/2024 8:33:21 PM

Testimony for JHA on 2/9/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Legrande	Individual	Support	Written Testimony Only

Comments:

Historic structures add cultural fabric to our Islands. Environmentally if these buildings are allowed to be preserved with the tax credit, they won't end up in the landfill. Please support this bill. Thank you, Linda Legrande