



Celebrating 50 Years of Preserving Hawai'i's Places

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TO: Representative Luke A. Evslin, Chair
Representative Micah P.K. Aiu, Vice Chair
Committee on Housing (HSG)

Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Water and Land (WAL)

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

Committee: Wednesday, February 7, 2024
8:30 a.m.
Via Video Conference and Conference Room 430

RE: HB 2261, Relating to Historic Preservation

On behalf of Historic Hawai'i Foundation (HHF), I am writing in **opposition to HB 2261**.

The bill would amend Hawai'i Revised Statutes §6E-2 to revise the definition of "historic property" to include only those properties that were constructed prior to Hawaii's admission as the 50th State in August 1959 and any properties currently listed in the Hawai'i register of historic places.

Currently, HRS §6E-2 defines historic properties as any building, structure, object, district, area, or site, including heiau and underwater site, which is over 50 years old. HHF is concerned that the bill would deny the significance of Hawai'i's own history and will disadvantage numerous properties that are important to the history and culture of Hawai'i.

HHF notes that the preamble for the bill that sets out the purpose and need focuses on historic preservation only as a process of project review and comment. It does not take into account the many other purposes that a community may wish to identify and honor its heritage. These include providing education, enjoyment, economic development, heritage tourism, community pride and inspiration in a spirit of stewardship and trusteeship for present and future generations.

If the concern is that the review and compliance system is not working appropriately, then solutions should focus on that issue. They should not deny the historic significance or access to preservation programs for unrelated benefits. Rather than attempt to redefine what makes a property historic, revised Administrative

Historic Hawai'i Foundation is a statewide nonprofit organization established in 1974 to encourage the preservation of historic buildings, sites, structures, objects and districts on all the islands of Hawai'i. As the statewide leader for historic preservation, HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, environmental sustainability and economic viability of the state.

Rules to address shortcomings in the review process, along with adequate funding and staffing to implement the procedures, would be more effective and efficient, without simultaneously disavowing the history and heritage sites of Hawai'i's communities and peoples.

Under the current system, properties must be at least 50 years old even to be considered for listing on the Hawai'i Register of Historic Places and for the Hawai'i Historic Places Review Board to determine if the nominations demonstrate eligibility. Under this bill, the State would not be able to accept and approve new nominations to list properties to the State Register if such property was built or acquired its historic significance after 1959.

It would also be a departure from the criteria for listing on the National Register of Historic Places, which uses the 50-year age as a rule of thumb, but includes additional criteria of historic significance and integrity to evaluate all properties, of any age, in determining eligibility.

The changed criteria would create a discrepancy between State and Federal programs, which would introduce conflicts for any State project that uses federal funds or requires federal land, permit, license or approval. This includes the federal tax credit for rehabilitation of historic properties, which provides affordable housing and other economic development benefits. It also includes many affordable housing projects that require approval or financing through the U.S. Department of Housing and Urban Development.

The proposed change would have a disproportionate outcome and adverse effect on properties associated with women, people of color and less affluent groups. In recent decades, there have been deliberate and methodical attempts to diversify the National and the Hawai'i Registers of Historic Places to include underrepresented groups and untold stories in order to include the full history of both the state and the nation.

As many of those individuals and communities did not have the opportunities available to them in earlier eras, it is only now that their stories and sites are becoming known. The proposed hard cutoff of 1959 places an unnecessary barrier and penalizes historically marginalized communities from recognition of their historic significance and contributions to Hawai'i and the nation.

HHF offers a few examples to illustrate this concern:

- The era from the late 1960s through the 1970s is often called the **Hawaiian Cultural Renaissance** due to the movement that brought renewed focus on Hawaiian language, music, hula, ocean wayfaring and widespread discussions of native Hawaiian identity and culture.

This period included such notable historic events as the construction of the **Hökūle'a** and her first voyage to Tahiti in 1976. It also includes the actions of the **Protect Kaho'olawe 'Ohana** which filed suit to stop the Navy's use of Kaho'olawe for bombardment and training, and pioneered the use of the then-new environmental protection laws for cultural resource protection.

- The **childhood home of U.S. President Barack Obama**—Punahou Circle Apartments—was constructed in 1965. The future president lived there from 1971 to 1979. The homes of every president since George Washington have been acknowledged for their historic significance and steps taken to ensure their preservation. Under the proposed bill, Hawai'i would disavow the significance of this location and its association with an important person in history merely because it occurred after statehood.
- Many of Hawai'i's most **notable architects, artists and designers** did outstanding work between 80 and 30 years ago. Many of the buildings, structures and artworks from this period have only recently become recognized and valued. A few of those who are only now coming into wider public awareness are listed below.

Many of their works still need to be added to the Hawai'i Inventory of Historic Properties and evaluated for eligibility for the state register for design, engineering and construction significance. Under the proposed definition of historic property, many of them would remain obscure or ignored by the official historic preservation program of the State.

- **Ray Akagi** was a draftsman in the 1930s with C.W. Dickey, Hart Wood and Guy Rothwell. He became a licensed architect in 1947 and operated his office until 1971. He designed the Buck Toy Society Hall on Vineyard Avenue, Niu Valley Elementary School, and a number of churches for the Roman Catholic Church, including Holy Family on Hickam Air Force Base, St. Peter and Paul in Honolulu, and St. Anthony's in Kailua;
- **Juliette May Fraser** was a talented painter, muralist and printmaker who received a WPA commission in 1934 to prepare murals for the Hawai'i State Library. Her other works can be seen at the Board of Water Supply and Ben Parker School in Kāne'ohe.
- **Hego Fuchino** opened his engineering office in Honolulu in 1919. Shortly after the bombing of Pearl Harbor, Fuchino was arrested and sent to an internment camp in Wisconsin where he was held for five years. With his release he returned to Hawai'i and reopened his office. Major works prior to the war include the Makiki Christian Church and the Izumo Taishakyo Mission. In 1947 he entered into partnership with Robert Katsuyoshi, which lasted until Fujino's death. The Soto Zen Mission on Nu'uuanu Avenue and the Waipahu Hongwanji are among his noteworthy post-war designs.
- **Ernest Hideo Hara** opened his architectural firm in 1945. He designed a number of apartments and hotels, including the Queen Kapi'olani (1968), Waikiki Grand (1962), Hilo Hawaiian (1976), and the Waikiki Shopping Plaza (1975). He was a founding member of Central Pacific Bank and served on its board from 1954-1980. In 1969 he was the first person of Asian descent appointed to Punahou School's Board of Trustees.
- **Erica Karawina** was a renowned stained-glass artist whose works adorn many churches, businesses and public buildings. She came to Honolulu in 1949 and created dozens of stained-glass murals. Her works include the windows in the Kalanimoku Building, St. Anthony's in Kailua, Mānoa Valley Church, Wesley Methodist Church, and St. John's Episcopal Church in Kula, Maui.

- **Stephen Oyakawa** was born in Hawai'i and worked for Frank Lloyd Wright from 1944 until 1959. His works include the 'Aiea Library, Liliha Library, Lihue Library, the Hale Aloha complex of four round dormitories at the University of Hawai'i.
- **Kenneth Sato** was born on the North Shore of O'ahu, graduated from McKinley High School, and received a degree in civil engineering from the University of Hawai'i in 1930. He owned the Kewalo Steel Company and designed a number of churches, apartments, and low-rise commercial buildings. He also worked on a number of public schools and bridges for the Territory of Hawai'i.

These are only a few of the events, people and design achievements that are important to the history of Hawai'i that have occurred less than 60 years ago but that nevertheless need to be included in Hawai'i's historic preservation program.

HHF believes that the revised definition of "historic property" as proposed in **HB 2261** would introduce a great deal of confusion, conflict and delay. It would negate and marginalize the many contributions, lessons and achievements of prior generations and deny those sites the recognition that they deserve, as well as access to programs to help preserve and share them.

Therefore, HHF opposes the bill and respectfully asks that it be held in committee.

February 7, 2024

The Honorable Luke A. Evslin, Chair

House Committee on Housing

The Honorable Linda Ichiyama, Chair

House Committee on Water & Land

State Capitol, Conference Room 430 & Videoconference

RE: House Bill 2261, Relating to Historic Preservation

HEARING: Wednesday, February 7, 2024, at 8:30 a.m.

Aloha Chair Evslin, Chair Ichiyama, and Members of the Joint Committees:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i and its over 11,000 members. HAR **supports** Senate Bill 2835, which amends the definition of "historic property" to include buildings and structures that predate 8/21/1959.

Currently, Hawai'i Revised Statutes Chapter 6E, defines a historic property as, "any building, structure, object, district, area or site, including heiau and under water site, which is over fifty years old." With the current definition, the number of homes and buildings that qualify has continued to increase. This can be challenging for homeowners that must comply with the historic preservation review process for permits, even when their properties have no historical significance. For example, homes in Mililani were built in 1968, and homes there can be over 55 years old.

Furthermore, current law can also be challenging for the State Historic Preservation Division, as they will have to review properties simply because the property is over 50 years old, even without historical significance. As such, amending the definition of a historic property to those are either listed on the Hawai'i or national register of historic places or predates statehood (August 21, 1959) may help address those challenges.

For the foregoing reasons, the Hawai'i Association of REALTORS® supports this measure. Mahalo for the opportunity to testify.



COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION
HAWAII CHAPTER

February 5, 2024

Representative Luke Evslin, Chair
Representative Micah Aiu, Vice Chair
Committee on Housing

Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Water and Land

RE: **HB 2261 - Relating to Historic Preservation**
Hearing date: February 7, 2024 at 8:30AM

Aloha Chair Evslin, Chair Ichiyama, and members of the committees,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **STRONG SUPPORT** of HB 2261. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders, and other professionals.

HB 2261 amends the definition of "Historic property" to include any building, structure, objects, district, areas, or sites including heiau that is on the Hawaii register of historic places or predates Statehood Day, August 21, 1959. The intent of the measure is to promote more timely reviews of projects conducted the Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD) by narrowing the scope of project which require review while preserving historic properties which meet the criteria to be on the historic register or predate Statehood Day.

Currently, the backlog of historic reviews is encumbering permits throughout the state. Reviews by SHPD are significantly slowing down the permitting process adding costs and delays to a substantial number of projects. Consequently, much needed housing, economic development, and critical infrastructure projects often face significant delays in permit approvals and project implementation. These delays result in decreased economic and construction activity and delivery of housing units.

Ultimately, the issue at hand is that far too many projects are being sent to SHPD for review that do not qualify as historic under any reasonable interpretation associated with historic importance. Nearly half of Oahu's housing stock is 50 years old including projects built in the 60s and 70s which should not be deemed historic based on age alone.

Representative Luke Evslin, Chair
Representative Micah Aiu, Vice Chair

Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair

February 5, 2024

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NAIOP understands the great importance that these reviews hold in preservation of Hawaii's historic sites, however, a balance needs to be found to: 1) reduce overwhelming volume of reviews placed on an understaffed department; and 2) allow SHPD staff to focus on properties of true historic significance. Primarily, requiring buildings and structures to be on the historic register to be deemed "historic property" adequately balances the need for the preservation of truly historic properties while allowing non historic properties to move forward with vital housing and infrastructure. The process for getting onto the Hawaii historic register will allow properties to be vetted through a process which requires multiple criteria to be deemed historic without the property automatically triggering the need for separate SHPD review and overburdening the department. This revised definition still will allow of historic properties to be protected, and third parties to register a given property for protection, provided that they meet the criteria to be deemed historic on the register.

Moreover, setting a date for properties to be deemed historic will establish a clear date for SHPD to determine whether review is triggered. This amendment would be unambiguous, clear and prevent future portions of Hawaii's housing stock from triggering the need for review just because the structure has become 50 years old. This would address DLNR's concerns noted in their testimony while preserving the intent of the bill. NAIOP Hawaii looks forward to working together with stakeholders to find the right language to balance the concerns being addressed in this bill.

NAIOP greatly supports this measure to identify a solution to the significant backlog of much needed projects awaiting SHPD review. Ultimately, HB 2261 addresses a critical issue in the development of more affordable housing and critical infrastructure for Hawaii residents. NAIOP appreciates the Legislature's commitment to collaborating on this issue and look forward to working together.

Mahalo for your consideration,



Reyn Tanaka, President
NAIOP Hawaii



Housing Hawai'i's Future
PO Box 3043
Honolulu, HI 96802-3043

February 7, 2024

TO: Chair Evslin, Chair Ichiyama and members of the Hawai'i State House Housing and Water and Land Committees
RE: HB 2261 RELATING TO HISTORIC PRESERVATION

Dear Chair and Committee Members,

My name is Sterling Higa, and I serve as executive director of Housing Hawai'i's Future, a nonprofit creating opportunities for Hawai'i's next generation by ending the workforce housing shortage.

We support HB 2261, amending the definition of historic property.

The question is simple: Are we more concerned with preserving buildings or preserving our community?

Because in each of the last eight years, thousands¹ of people have left Hawai'i, with many citing the cost of housing as a primary factor.

HB 2261 is a sensible amendment to the definition of historic property.

HB 2261 will aid the preservation of pre-statehood buildings while helping us to ensure that we can provide for the housing needs of the future.

Please support HB 2261.

Thank you,

A handwritten signature in cursive script that reads "Sterling Higa".

Sterling Higa
Executive Director
Housing Hawai'i's Future
sterling@hawaiisfuture.org
+1 (808) 782-7868

¹Net migration numbers undercount the actual number of people leaving.



**HAWAII STATE HOUSE OF REPRESENTATIVES
COMMITTEE ON COMMITTEES ON HOUSING, AND WATER AND LAND
Conference Room 430 & Videoconference
State Capitol
8:30 AM**

February 7, 2024

Subject: HB 2261 - RELATING TO HISTORIC PRESERVATION

Chairs Evslin and Ichiyama, Vice-Chairs Aiu and Poepoe, and members of the Committees:

My name is Max Lindsey, Government Relations Committee Chair of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

HB 2261 proposes to amend the definition of "historic property" used in historic preservation laws to remove the minimum age and require listing on the Hawaii or national register of historic places or built before August 21, 1959. Broadens exclusions from historic review for certain types of proposed projects on existing privately-owned single-family detached dwelling units or townhouses.

Section 6E-42 HRS requires review by the State Historic Preservation Division (SHPD) prior to any agency or officer of the State or its political subdivisions approves any project involving a permit (i.e. building 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 SHPD and prior to any approval allow the SHPD an opportunity for review and comment on the effect of the proposed project on historic properties, aviation artifacts, or burial sites.

We strongly support the proposed revised definition of "Historic Property" as it will remove a time consuming and often times costly Section 6E HRS SHPD review process on projects simply because the building or structure is fifty (50) years old. Waiting for SHPD's comments cause significant delays in construction, and also has resulted in projects losing of financing or incurring higher interest rates.

We are in strong support of HB 2261 and appreciate the opportunity to provide our comments on this matter.



Hawai'i YIMBY
Honolulu, HI 96814
hawaiiyimby.com
admin@hawaiiyimby.com

Wednesday, February 7, 2024

House Committee on Housing
House Committee on Water and Land
Hawai'i State Capitol
Honolulu, HI 96813

RE: SUPPORT for HB 2261 - RELATING TO HISTORIC PRESERVATION

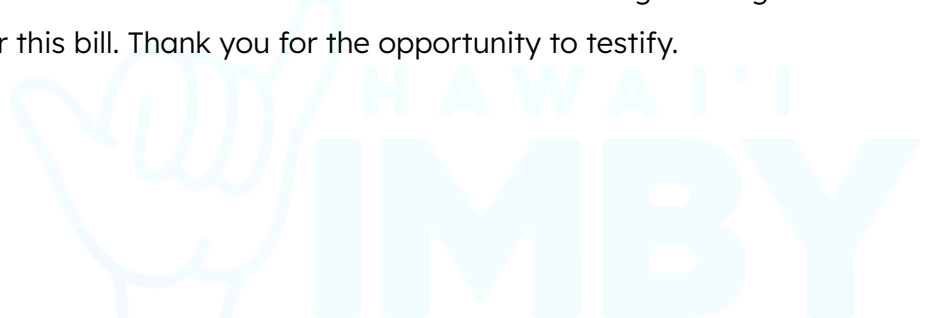
Aloha Chairs, Vice Chairs, and Members of the Committees,

On behalf of Hawai'i YIMBY, I'm writing to support HB 2261, which amends the definition of "historic property." We believe that properties that have historic value play an important role in preserving the culture and heritage of our land for future generations. However, we also believe that the existing definition for historic property is overly broad. It encompasses too many properties of no historical significance, properties that qualify only because of its age.

We believe that it is possible to streamline the permitting process, while ensuring adequate protection of our historic properties. As time continues, more properties will require unnecessary historic review, which contributes to permitting backlogs and delays. These delays result in housing that takes too long to build and drives up costs. Our housing crisis simply cannot continue to wait.

Hawai'i YIMBY (*Yes In My Backyard*) is a volunteer-led grassroots advocacy organization dedicated to supporting bold and effective solutions for Hawai'i's devastating housing crisis. We urge your support for this bill. Thank you for the opportunity to testify.

Sincerely,
Damien Waikoloa
Co-Lead, Hawai'i YIMBY



February 5, 2024

Testimony for HB2261 Relating TO HISTORIC PRESERVATION.

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I'm in OPPOSITION for HB 2261 for the following reasons:

The legislature faces an urgent need to increase its housing supply and demand for residential units this is unacceptable.

This problem that we face should not be coming out on the backs of cultural rights and historic property prior to 50 years. See [Hawaii State Legislature](#) passed Chapter 6E in 1976.

Legislature has not done there fiduciary duty's to maintain funds for a comprehensive study for State Historic Preservation when it comes to protecting places that are historical, architectural, archaeological, and cultural. See case law SCAP-11-0000611; Procedures for STATE, TRIBAL, and LOCAL GOV; Historic Preservation Programs (36 :C.F.R. Part 61); National Historic Preservation Act became law on October 1, 1966, Public Law 89-665; Haw. Code R. 13-277-2.

Legislature should be looking at not selling the lands to outside investments were the people of this STATE can afford to buy a place instead of taking and taking and taking from the back of the cultural rights.

Other Law Case:United States v. Gettysburg Elec. Ry. Company, 160 U.S. 668 (1896) Propriety of use of eminent domain power by federal gov. to condemn and take historic properties upheld.; Roe v Kansas ex rel. Smith, 278 U.S. 191 (1929).. Propriety of and take historic properties upheld.; City of New Orleans v. Impastato, 198 La. 206, 3 So. 2D 559 (1941). Power of Vieux Carre Commission to regulate all exterior changes to buildings in Vieux Carre Upheld.

Therefore the Legislature should leave the laws into place for Chapter 6E in 1976.

Mahalo,

_____/s/____

Cindy Freitas

Statement of
Stanley J. Osserman Jr., President
Tigershark, LLC
Before the
House Committee on Housing
AND
House Committee on Water and Land
7 February 2024
8:30 pm
State Capitol Conference Room #430
In consideration of
SB2261
Relating to Historic Preservation

Chair Evslin

Vice Chair Aiu and Distinguished Committee Members:

Chair Ichiyama

Vice Chair Poepoe and Distinguished Committee Members:

I stand in strong support of this bill.

As the former director of the Hawaii Center for Advanced Transportation Technologies (HCATT; 2013 to 2019), Hawaii Department of Business, Economic Development and Tourism (DBEDT), I continue to serve our state by promoting, among other things, clean renewable energy solutions. This testimony is NOT being given for compensation of any kind by any corporate or commercial entity. I am presenting to you today as a concerned “Life-Long” citizen of the State of Hawaii with extensive professional experience in energy systems, retail and wholesale business, military matters, international commerce, aviation, construction, maritime operations, and public safety, among others. My goal is to help our government leaders, local, state, and federal, make good strategic choices. Again, I state, I am Not being compensated in any way, by any individual, company, organization, or group as I provide this testimony.

I planned on building a house in North Kona several years ago, but the permitting process was so cumbersome, I gave up and am selling my lot. As part of the project, I visited the Planning and Permitting office in Kona, and they were very helpful, but they were overwhelmed by projects being sent to them in the aftermath of the last lava event in and around Puna. I am aware of some cultural sites and burial sites in the area, however, on my lot, every square inch has been worked on by a bulldozer or excavator, so I tried getting ahead of the historic preservation process and contacted the Hilo office to see if they had any records on my lot of historic significance. The answer was that could not do any research until the building permit was issued. In today’s digital world, I found this to be ridiculous! Punch in the TMK and see if there are records of anything there!

My point in this story (I have many, many more tragic stories) is that the entire process of historic preservation needs to be brought into the 21st century. This bill is a good starting point, and it will help, but there is a lot left to “fix” in this process. They will tell you that they need more people and more resources, but what they really need is to tie their records to the Tax Map system and build searchable records so that people know before they purchase a property or start a project, if Historic Preservation is in play. I’ve had a specialty contractor’s license since around 1986 and I can tell you that the entire permitting process is out of control. If you plan on building affordable housing, the current permitting system will NOT get you there!!!

The best thing about this bill is that it helps weed out when you DON’T need to enter the process in the first place. This will lighten their workload from the start. Being that issues like this are common in county, state and federal governments, it might be a good idea to set up a “tiger team” that could help departments take advantage of technology and streamline many of our processes.

Brigadier General, Stanley J. Osserman Jr. (USAF Ret.)

President, Tigershark, LLC

HB-2261

Submitted on: 2/6/2024 8:27:44 AM

Testimony for HSG on 2/7/2024 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kilihea Inaba	Individual	Comments	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

Mahalo for your work this legislative session.

I do understand the purpose of HB2261 but do not agree that Sections 3.a (2) and 3.a (3) should be deleted. Thank you for adding "Was built before August 21, 1959," but this date is insignificant in the big scheme of things and holds no value as to when a property should be deemed "significant." Please alter the terms in Sections 3.a (2) and 3.a (3) to better fit the intention of this act without taking away from the opportunity for places to be recognized, and re-add them,.

Mahalo nui,

Kilihea Inaba

Kaloko, Kona, Hawai'i