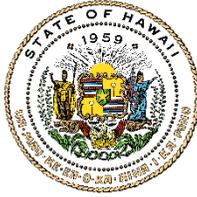


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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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
HOUSING
Friday, January 31, 2025
9:15 AM
House Conference Room 430 & Videoconference

In consideration of
HOUSE BILL 737
RELATING TO HISTORIC PRESERVATION

House Bill 737 proposes amending Section 6E-2, Hawaii Revised Statutes (HRS), to redefine “historic property” with respect to the State Historic Preservation Program and requires historic review for proposed projects on existing privately-owned single-family detached dwelling units or townhouses only if the unit or townhouse is historic property, rather than over 50 years old. **The Department of Land and Natural Resources (Department) supports this measure.**

Under Chapter 6E-2, HRS, provides the definition of “historic property,” which informs how the State Historic Preservation Division (Division) evaluates historic and cultural resources and the impacts projects submitted to the Division, pursuant to sections 6E-8, -10, and -42, HRS, have on historic and cultural resources.

The current definition of “historic property” is overly broad and does not take into consideration if a historic or cultural resource maintains sufficient integrity and significance to be identified as an “historic property”. This bill will make a critical change to the definition of “historic property” that allows a resource to be evaluated on its integrity and significance, rather than just its age. Additionally, the definition change will be similar to the definition of “historic property” under federal regulations. This will allow historic preservation reviews that require compliance with both federal and state historic preservation policies to be completed in a more streamlined manner that is easier to understand and complied with.

Mahalo for the opportunity to provide testimony on this measure.

KAUA'I COUNTY HOUSING AGENCY

ADAM ROVERSI, DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

Testimony of Adam P. Roversi
Director, Kaua'i County Housing Agency

Before the
House Committee on Housing
Friday, January 31, 2025, at 9:15 a.m.
Conference Room 430 & Videoconference

In consideration of
House Bill 737 Relating to Historic Preservation

Honorable Chair Luke A. Evslin, Vice Chair Tyson K. Miyake, and Members of the Committee:

The Kaua'i County Housing Agency **strongly supports** HB737, that would redefine "historic property" with respect to the State Historic Preservation Program. Requires historic review for proposed projects on existing privately-owned single-family detached dwelling units or townhouses only if the unit or townhouse is historic property, rather than over 50 years old.

The Housing Agency supports narrowing the definition of "historic property" as it relates to single-family dwellings. As a practical matter, given the age of most residential developments on Kauai, a great many single-family homes are currently deemed "historic" based solely on their age unnecessarily triggering time-consuming consultation and review under HRS 6E during any affordable housing redevelopment. As our housing stock continues to age, the current definition threatens to subject every redevelopment project to unnecessary historic review, which the State Historic Preservation Division is presently not resourced to address and process.

Thank you for the opportunity to testify in **strong support** and for your consideration.



January 31, 2025

TO: Chair Evslin and members of the House Committee on Housing
RE: HB 737 Relating to Historical Preservation

Dear Chair Evslin and Committee Members,

Our demographic decline is truly historic. Thousands¹ of people have left Hawai'i, with many citing the cost of housing as a primary factor.

We support HB 737.

The past cannot arrest the realization of our present or future housing needs. The dilemma is simple: Are we more concerned with preserving buildings or preserving our community?

Currently, any structure over 50 years old can be considered a historic property. This broad definition creates unnecessary obstacles to homeowners who want to renovate or improve their properties. HB 737 offers a more targeted approach by **redefining "historic property"** to include only structures that meet specific criteria of integrity and significance. This change is critical for several reasons:

- It allows homeowners to update and maintain their properties without unnecessary burdens.
- It protects truly historic sites by focusing preservation efforts on properties that have genuine historical or cultural significance.
- It **allows for needed housing to be developed by reducing restrictions** on properties that do not have historical significance.

By focusing on genuine historic value rather than age alone, HB 737 will help ensure that our state's historic preservation efforts are targeted and effective, while also allowing for necessary housing development and improvements.

Our past is prologue. What remains unwritten is our adaptation to the changing circumstances surrounding our historic preservation review process.

Let's do history justice. **Let's advance HB 737.**

Thank you,



Lee Wang
Executive Director
Housing Hawai'i's Future
lee@hawaiisfuture.org



Perry Arrasmith
Director of Policy
Housing Hawai'i's Future
perry@hawaiisfuture.org

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

Jan. 31, 2025, 9:15 a.m.
Hawaii State Capitol
Conference Room 430 and Videoconference

To: House Committee on Housing
Rep. Luke Evslin, Chair
Rep. Tyson Miyake, Vice-Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: HB737 — RELATING TO HISTORIC PRESERVATION

Aloha Chair Evslin, Vice-Chair Miyake and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [HB737](#), which would change the definition of historic property.

Currently, “historic property” is defined as “any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.”

HB737 would add to the end of the definition: “and meets the integrity and significance criteria to be placed onto the Hawaii register of historic places, as determined by department staff or a qualified professional, as set forth by the department, or has important value to Native Hawaiians or other ethnic groups of the State due to associations with cultural practices once carried out, or still being carried out, at the property or due to associations with traditional beliefs, events, or oral accounts that are important to the group's history, traditional practices, and cultural identity.”

The bill would also exempt existing single-family detached dwellings and townhomes from historic review unless they are considered “historic property.” Currently, projects involving these types of houses are exempt only when they are less than 50 years old, meaning many properties built prior to 1975 would require review even if they have no historical significance.

On Oahu alone, there are 135,553 parcels improved with a single living unit, including single condominium units, in residential zones. Of these, 80,870 — almost 60% — were built in 1975 or before. Just 55,074 — about 41% — were built in 1976 or after.¹

And the number of parcels that could be subject to SHPD review will only increase as Hawaii’s housing stock ages. In 2026, the 1,585 dwellings built in 1976 will become candidates for SHPD review any time their owners file for permits to conduct work on them.

The sheer magnitude of projects that could be subject to SHPD review under the current definition helps explain why reviews often take months.

While SHPD’s average review times for projects are not readily available, the agency noted in its report to the 2023 Legislature that its archaeology reviews were taking between six months and one year, on average.² The agencies’ historic property reviews were not listed in the report, but it is reasonable to believe they could take months.

Collectively, these changes could streamline the approval process for new housing while preserving protections for historic properties and artifacts.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

¹ Hawaii Information Service database, accessed Jan. 30, 2024. Figures exceed 100% because some parcels with a single living unit have multiple buildings with multiple construction dates, resulting in double counting. A subscription is needed to access the data.

² [“Report to the Thirty-Second Legislature 2023 Regular Session on the State Historic Preservation Program For Fiscal Year 2021-2022,”](#) Hawaii Department of Land and Natural Resources, October 2022, p. 1.



Hawai'i YIMBY
Honolulu, HI 96814
hawaiiyimby.org
info@hawaiiyimby.org

January 31, 2025

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

RE: SUPPORT for HB 737 - RELATING TO HISTORIC PRESERVATION

Aloha Chair Evslin, Vice Chair Miyake, and Members of the Committee,

On behalf of Hawai'i YIMBY, we are writing in **support of HB 737** which would better define the meaning of a "historic property" with regard to the State Historic Preservation Program. Historical review is an important process to preserve the cultural and historical importance of any given place or structure. However, overly-broad definitions and applications of these review processes can cause backlogs that slow or stop the permitting of much needed housing.

We believe in streamlining permitting. Combining, simplifying or removing layers of regulation that slow the permitting process for housing is important. With regard to cultural and historical reviews, there are many places of significance that are very deserving of preservation. However, there are many areas in the state that do not have any significance and should not be subject to the same type of rigorous review. The State Historical Preservation Division should be prioritizing their limited resources to protecting places of actual significance. It is possible for us to build more housing while continuing to protect our most culturally and historically significant places.

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. Our members are deeply concerned about Hawai'i's chronic and worsening housing



Hawai'i YIMBY
Honolulu, HI 96814
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shortage, which has caused home prices to rise much faster than incomes and pushes thousands of kama'āina out to the mainland or into homelessness every single year.

We ask your support for this bill. Thank you for the opportunity to testify.

Sincerely,
Damien Waikoloa
Chapter Lead, Hawai'i YIMBY

Edgardo Díaz Vega
Chapter Lead, Hawai'i YIMBY





HISTORIC HAWAI'I FOUNDATION

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

TO: Representative Luke A. Evslin, Chair
Representative Tyson K. Miyake, Vice Chair
Committee on Housing (HSG)

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

Committee: Friday, January 31, 2025
9:15 a.m.
Via Video Conference and Conference Room 430

RE: HB 737, Relating to Historic Preservation

On behalf of Historic Hawai'i Foundation (HHF), I am writing with **comments for HB 737**. The bill would amend HRS 6E-2 to change the State definition of “historic property” to add criteria for historic significance and integrity to supplement the existing age requirement; and would also amend HRS 6E-42.2 to reference the new definition of historic property when determining which single-family detached dwellings or townhouses are subject to project reviews to protect their historic features and character.

Definition of Historic Property

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.

Any changes to this policy and public benefit need to demonstrate both how the substantive outcomes will be met—that is, to conserve and protect historic resources—and that the administration of the program is fair, clear, unbiased and consistent for all concerned.

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. 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.

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.

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*. The criteria for being entered into the State of Hawai'i Register of Historic Places address these additional aspects and are appropriate to add to the State's definition of "historic property."

Historic Hawai'i Foundation supports amending HRS §6E-2 to include the requirement that properties meet the criteria for being entered into the state register of historic places, but is also concerned that some cultural sites or features may have been significantly altered over time, thus affecting their historic integrity. HHF agrees that the definition needs to include these sites and appreciates the explicit inclusion in the proposed definition.

Project Reviews for All Historic Properties

Although HHF supports the clarification in the definition of "historic property," we also note that this amendment would introduce a new requirement for the statewide preservation program: the task of determining whether or not a specific property meets the criteria based on more information than age of construction.

When making determinations regarding specific properties, preservation professionals with appropriate education and experience will need to apply the criteria for evaluating historic significance and integrity. Professional judgment is needed to understand and apply the criteria to different property types, including buildings, structures, objects, sites and districts, including those properties to which Native Hawaiians and other ethnic and cultural groups of the State attach religious and cultural significance.

By adding this additional layer of knowledge, skill and experience to the determining whether or not a property is "historic," and not merely relying on age of construction, it will be more difficult for property owners, developers, permitting and planning agencies and the general public to know if a property will be subject to the State Historic Preservation Division's requirement to identify, evaluate and resolve potential effects that may be caused by a proposed project.

HHF believes that the revised definition would make the assessment and resolution of effects more efficient and effective, but will complicate the initial step of knowing whether the statute applies at all. We caution about unintended consequences that could be caused by a seemingly straightforward change.

HHF recommends that the department promulgate administrative rules to address the issue of who will make the determinations, based on established criteria and standards, subject to qualified personnel concurrence and at what stage of the process.

Project Reviews for Historic Dwelling Units

HRS §6E-42 is the statutory authority that provides for a review process to assess and resolve potential adverse effects that may occur from proposed projects that may alter historic properties. The review process

is intended to assess whether or not a historic property is present; whether or not a proposed action could destroy, alter or significantly impact historic characteristics; and to determine means to avoid, minimize or mitigate any such impacts. This review process involves the State Historic Preservation Division, the property owner or project proponent, and stakeholders who have a concern or interest in the potential effect of a project on a historic property.

As established in HRS §6E-42.2, the normal historic preservation review process does not include single-family detached dwelling units or townhouses unless they are listed in or nominated to be listed in the Hawai'i or National Registers of Historic Places.

The bill proposes to replace the term “over fifty years old” with “a historic property” to match the language in the earlier section of the bill, redefining “historic property.” The result is circular definitions: historic properties are those that meet the criteria for listing in the historic register; the review process applies to those dwelling units that are listed in or nominated to the historic registers (which includes meeting the criteria), and does not apply to dwelling units that are not listed or nominated for listing, even if they are eligible for listing. The bill’s proposed language adds unnecessary layers of definitions.

For clarity, we recommend deleting both “over fifty years old” and “a historic property” from HRS §6E-42.2, leaving only the reference to listed or nominated for listing in the historic register.

Thank you for the opportunity to comment.



holomua

COLLABORATIVE

OUR MISSION

To support and advance public policies that make Hawai'i affordable for all working families.

OUR VISION

Collaborative, sustainable, and evidence-based public policies that create a diverse and sustainable Hawai'i economy, an abundance of quality job opportunities, and a future where all working families living in Hawai'i can thrive.

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HolomuaCollaborative.org

Committee: House Committee on Housing
Bill Number: HB 737, Relating to Historic Preservation
Hearing Date and Time: January 31, 2025, 09:15am (Room 430)
Re: Testimony of Holomua Collaborative – Support

Aloha Chair Evslin, Vice Chair Miyake, and members of the committee:

Mahalo for the opportunity to submit testimony **in support** of HB737, Relating to Historic Preservation.

In October 2024, a survey¹ gathering information about the day-to-day financial experience of local workers was released and it suggests this growing crisis has the potential to reach staggering levels. When nearly 1,500 local workers were asked if they may need to move to a less expensive state, only thirty-one percent answered a definitive “no,” while sixty-nine percent said “yes” or “unsure.” And nearly two-thirds of the respondents said the cost of housing was the primary impact on their cost of living in Hawai'i. Each local worker and family we lose to the continent contributes to a loss of our economy, our culture, and our family.

To address the outmigration facing the state, we must implement policies and programs that allow for housing to be built in a manner and on a scale that is affordable and attainable for local working families. Concurrently, the State has a responsibility to protect historic buildings and burial sites, making sure that important cultural and historic places are respected.

The current definition of “historic property” *only* relies on the age of a property (over fifty years) to establish historical value. When a property is over fifty years old, it must comply with the historic preservation review process for permits. With each passing year, more and more homes turn fifty—including many that few people would consider “historic”—and renovation or demolition permits become more burdensome to obtain. That means the sale of many homes takes on an unnecessary additional layer. Each of these struggles for homes that are old, *but not historic*, is a delayed opportunity to improve our housing infrastructure or get a local working family into their first home.

Amending the definition of “historic property” to require that a building or structure be fifty years old *and* meets the integrity and significance criteria to be placed onto the Hawai'i register of historic places or has other cultural or historic value, will help the State meet the balance of protecting genuinely historic property while not burdening homeowners and potential homeowners from renovating or selling a home build early than 1975.

Sincerely,

Joshua Wisch
President & Executive Director

¹ <https://holomuacollective.org/survey/>

HB-737

Submitted on: 1/29/2025 10:20:32 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

Protecting our heritage and historic sites is incredibly important. However, current law and practice attempts to do too much, with too few resources. It's an incredibly tough balancing act for us to preserve what is important and allow for renewal of our communities. Unfortunately, Hawaii law has become overly strict and a resetting is needed. I believe this is the appropriate reset we need to restore balance.

I strongly urge this Committee to SUPPORT this bill!



January 30, 2025

Representative Luke Evslin Chair
Representative Tyson Miyake Vice Chair
Committee on Housing

RE: **HB 737 - Relating to Historic Preservation Reviews**
Hearing date: January 31, 2025 at 9:15 AM

Aloha Chair Evslin, Vice Chair Miyake and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii with **COMMENTS** on HB 737. 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 737 redefines "historic property" with respect to the State Historic Preservation Program. Specifically, the measure requires historic review for proposed projects on existing privately-owned single-family detached dwelling units or townhouses only if the unit or townhouse is historic property, rather than over 50 years old.

Currently, Hawaii is in a housing crisis which has been exacerbated by extensive regulatory hurdles and delays that have significantly added to the cost and risk of building across the state. NAIOP Hawaii supports the intent of the measure which seeks to expedite the current review historic review process and alleviate the current backlog of reviews.

In turn, NAIOP Hawaii appreciates the intent of HB 737, however, we are respectfully concerned that the proposed definition of "historic property" may have unintentional consequences by creating a problematic additional layer to the 50-year threshold of either meeting the criteria to be placed onto the Hawaii register of historic places or has important value to Native Hawaiians or other ethnics groups.

Our primary concern is that the overly broad language including important value to native Hawaiians or other ethnic groups may contradict the intended purpose of the bill. While NAIOP Hawaii supports the intent of this bill, to help relieve SHPD of an overwhelming amount

Representative Luke Evslin Chair
Representative Tyson Miyake Vice Chair
Committee on Housing
January 30, 2025
Page 2

of reviews, the second level of determination, especially the latter “important value to Native Hawaiians and ethnic groups”, does not seem like a clear enough criterion to streamline this first-step in the SHPD review process and could potentially put SHPD at more risk of litigation.

As an alternative, NAIOP Hawaii, we would propose 50 years AND on the Hawaii register of historic places since this registration process already evaluates a property for significance. This would allow residents to utilize an existing process to have property be deemed historic after an evaluation of multiple criteria while balancing the need to expedite reviews to allow projects. Additionally, if the department would like to address native Hawaiian and cultural practices, perhaps HRS section 343 may serve as a suitable alternative to include review of native Hawaiian and cultural practices.

NAIOP greatly supports the intent of the measure to identify a solution to the significant backlog of much needed projects awaiting SHPD review. Ultimately, HB 737 as currently drafted may create additional delay . NAIOP appreciates the Legislature’s commitment to collaborating on this issue and look forward to working together.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Reyn Tanaka', with a stylized flourish at the end.

Reyn Tanaka, President
NAIOP Hawaii

HB-737

Submitted on: 1/30/2025 8:07:09 PM

Testimony for HSG on 1/31/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kyle Burchard	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Hawaii State Legislature,

I am writing to express my strong support for HB 737. This bill proposes a more precise definition of "historic property" within the State Historic Preservation Program, requiring historic reviews only for properties with genuine cultural or historical significance, rather than all structures over 50 years old.

Currently, the broad definition necessitates reviews for many properties lacking true historical value, leading to significant backlogs and delays in housing development. By refining this definition, HB 737 will streamline the permitting process, reduce unnecessary delays, and facilitate the timely construction of much-needed housing.

This legislation strikes a balance between preserving our genuinely historic sites and addressing Hawaii's pressing housing needs. I urge you to support HB 737 to promote efficient development while safeguarding our state's rich heritage.

Sincerely,

Kyle Burchard