

STAND. COM. REP. NO.

1766

Honolulu, Hawaii

APR 02 , 2025

RE: S.B. No. 79
S.D. 1
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 79, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION
REVIEWS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Department of Land and Natural Resources to determine the effect of any proposed housing project that may affect a historical property, an aviation artifact, or a burial site within ninety days of a request for determination;
- (2) Establish historic review requirements based on the project area's known historic, cultural, and archaeological resources; and
- (3) Establish procedures and notification requirements if previously unidentified human remains or previously unidentified historic or cultural resources are discovered during archaeological monitoring or housing project construction.

2025-3018 SB79 HD2 HSCR HMSO



Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Housing Finance and Development Corporation; and NAIOP Hawaii. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the historic preservation review process needs to be streamlined to help address Hawaii's housing crisis and support the State's efforts to provide affordable housing. This measure sets reasonable timelines and risk-based review criteria for historic preservation reviews, while also incorporating safeguards that will support the identification, documentation, and avoidance of iwi kupuna, as well as historic and cultural resources, during planning and construction of affordable housing projects. Your Committee further finds that the clear guidelines established by this measure will provide much-needed certainty for developers and agencies working to deliver housing for local families.

Your Committee has amended this measure by:

- (1) Establishing factors on which the Department of Land and Natural Resources shall base its determination for a proposed housing project;
- (2) Clarifying that any mitigation to reduce adverse effects on a significant historic property prior to commencement of a housing project shall be implemented pursuant to terms approved by the Department of Land and Natural Resources or the relevant island burial council pursuant to statutory provisions relating to prehistoric and historic burial sites;
- (3) Clarifying that the notification requirements to include documentation for; assessment of effects on; and proposed actions to avoid, minimize, or mitigate any adverse effects on archaeological resources; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this



report, your Committee is in accord with the intent and purpose of S.B. No. 79, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 79, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



