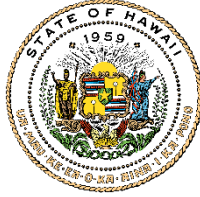


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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BOATING AND OCEAN RECREATION
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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 Senate Committee on
WATER AND LAND
Wednesday, February 07, 2024
1:00PM
State Capitol Room 229 & Via Videoconference

In consideration of
SENATE BILL 2835
RELATING TO HISTORIC PRESERVATION

Senate Bill 2835 proposes to amend the definition of “historic property” in section 6E-2 Hawaii Revised Statutes (HRS). To be considered a historic a building must be listed in the Hawai‘i Register of Historic Places (Hawai‘i Register). The current 50-year standard would be amended for objects, districts, areas, or sites, including heiaus and underwater sites, to predates August 21, 1959. **The Department of Land and Natural Resources (Department) offers the following concerns and comments.**

The Department believes that requiring that a building be listed in the Hawai‘i Register is too narrow. Hawai‘i has never funded and carried out systematic, comprehensive state-wide inventory, evaluation, and nomination of potentially eligible buildings to the Hawai‘i Register. The overwhelming majority of listed buildings have been listed on the initiative of the property owner or a small number of dedicated preservationists. Consequently, only a tiny percentage of even the most obviously significant buildings are listed. Many, probably most potentially significant buildings are not listed. Under the provisions of this bill, projects affecting those significant, but not listed buildings would be carried out with no review by the Department’s State Historic Preservation Division (SHPD). The Department believes that it a systematic, comprehensive state-wide inventory, evaluation, and nomination of potentially eligible buildings to the Hawai‘i Register should be funded. As a preliminary estimate, the Department believes that this process will require appropriations of \$1,000,000 over a period of at least five years, this figure includes both funds for contracting the actual survey and additional staff for SHPD to design and administer the program. The Department cautions the Committee that our understanding of the past

changes over time with increasing historical knowledge and perspective, potentially altering our understanding of what buildings should be considered historic and what is architecturally significant. Even once completed the inventory, assessment, nomination of State-owned buildings, the process cannot be considered final.

The Department has long held that “historic property” should not solely by age. Setting the cutoff at a specific date, such as the date of Admission, excludes many, in at least one instance virtually all, of the products of Hawai‘i’s master architects.

Last year, House Bill 201 House Draft 2 Senate Draft 1 made it all the way to conference. The conferees never met. The Department strongly supported that measure throughout the process. The Department continues to strongly support House Bill 201 House Draft 2 Senate Draft 1 and urges the Legislature to enact that bill.

Mahalo for the opportunity to provide testimony on this measure.

February 7, 2024

The Honorable Lorraine Inouye, Chair

Senate Committee on Water & Land

State Capitol, Conference Room 229 & Videoconference

RE: Senate Bill 2835, Relating to Historic Property

HEARING: Wednesday, February 7, 2024, at 1:00 p.m.

Aloha Chair Inouye, Vice Chair Elefante, and Members of the Committee:

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 Hawaii 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, Hawaii 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 that predate 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

Senator Lorraine Inouye, Chair
Senator Brandon Elefante, Vice Chair
Committee on Water and Land

RE: **SB 2835 - Relating to Historic Property**
Hearing date: February 7, 2024 at 1:00 PM

Aloha Chair Inouye, Vice Chair Elefante, and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **STRONG SUPPORT** of SB 2835. 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.

SB 2835 amends the definition of "Historic property" to include any building or structure that is on the Hawaii register of historic places or objects, areas, and sites that 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.

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

Senator Lorraine Inouye, Chair
Senator Brandon Elefante, Vice Chair
Committee on Water and Land

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 the 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, SB 2835 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,

A handwritten signature in black ink, appearing to read 'Reyn Tanaka', with a long horizontal flourish extending to the right.

Reyn Tanaka, President
NAIOP Hawaii



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: Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair
Committee on Water and Land (WTL)

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

Committee: Wednesday, February 7, 2024
1:00 p.m.
Via Video Conference and Conference Room 229

RE: SB 2835, Relating to Historic Property

On behalf of Historic Hawai'i Foundation (HHF), I am writing in **opposition to SB 2835**.

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.

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.

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.

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 Hawaii'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, Lihū'e 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 **SB 2835** 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 as respectfully asks that it be held in committee.



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

Wednesday, February 7, 2024

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



RE: SUPPORT for SB 2835 - RELATING TO HISTORIC PROPERTY

Aloha Chair Inouye, Vice Chair Elefante, and Members of the Committee,

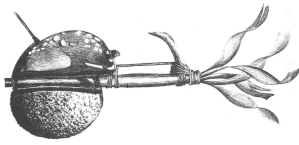
On behalf of Hawai'i YIMBY, I'm writing to support SB 2835, which amends the definition of "historic property." We believe that properties that have historic value play an important role in preserving the culture and heritage of our land for future generations. However, we also believe that the existing 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





SOCIETY FOR HAWAIIAN ARCHAEOLOGY

P.O. BOX 22458 HONOLULU, HAWAII 96823

TO: Senator Lorraine Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair
Committee on Water and Land (WTL)

FROM: Mara Mulrooney, Ph.D.
President, Society for Hawaiian Archaeology
membership@hawaiianarchaeology.org

HEARING: February 7, 2024, 1:00 PM, Conference Room 229 & Videoconference

SUBJECT: Testimony regarding SB 2835, Relating to Historic Property

LATE

I am Mara Mulrooney, President of the Society for Hawaiian Archaeology (SHA). We have over 150 members including professional archaeologists and advocates of historic preservation. On behalf of SHA, we **oppose** and offer comments on SB 2835.

The intent of SB 2835 redefines historic property to mean buildings and structures that predate 1959. Hawai'i State Legislature Chapter 6E Section 2 Historic Preservation, defines 'Historic property' as "any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old."

Changing the definition of 'Historic property' from the current 50 years old threshold would exclude many significant historic properties in the future. As a consequence of this bill, properties relating to Hawai'i's past following statehood, and many of our State's historic homes and buildings would not be afforded any protection under Chapter 6E. With the current pace of development, a threshold of properties that predate 1959 would be detrimental to the preservation of Hawaii's history, especially State's history relating to the period immediately following statehood. Prior to the enactment of Chapter 6E, much physical evidence of Hawai'i's history was lost. Significant buildings and structures were destroyed. Although 50 years does not seem that long ago, we need to remain mindful that in another 50 years or 100 years, we will be longing for the portions of Hawai'i's history that would have been allowed to be lost as a result of this legislation.

Further, if the definition of 'Historic property' is changed, there would not be alignment with the definition of a historic property at the federal level. At the federal level, a historic property uses the 50 year old threshold. This legislation may cause confusion where some buildings, structures, objects, districts, or sites are considered historic properties at the federal level and not at the state level. This would create issues especially for the many state, private, or local projects that use federal funding, are on federal land, or require a federal permit or approval. Hawai'i has been a beacon for historic preservation, this bill would be a step back for the preservation of Hawai'i's past.

Should SB 2835 pass out of this committee, we request to be consulted as a stakeholder in future deliberations on an amended bill. Should you have any questions, please feel free to contact me at the above email. Mahalo for the opportunity to comment.

<https://hawaiianarchaeology.org/>

The Society for Hawaiian Archaeology is a registered tax-exempt organization established in 1980 to promote and stimulate interest and research in the archaeology of the Hawaiian Islands, encourage a more rational public appreciation of the aims and limitations of archaeological research, serve as a bond among those interested in Hawaiian archaeology, both professionals and non-professionals, and aid in directing their efforts into more scientific channels as well as encourage the publication of their results, advocate and assist in the conservation of archaeological data, discourage unethical commercialism in the archaeological field and work for its elimination.