

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 877
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred S.B.
No. 877 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the definition of "historic property" for purposes of historic preservation;
- (2) Require the Department of Land and Natural Resources to develop a list of the types of projects that have no potential to affect a historic property and a list of the types of properties likely to be eligible for inclusion in the Hawaii Register of Historic Places; and
- (3) Require the Department of Land and Natural Resources to develop a plan for completing a comprehensive inventory of historic buildings in the State and to report to the Legislature accordingly.

Your Committee received testimony in support of this measure from the Department of Planning and Permitting of the City and County of Honolulu, Historic Hawaii Foundation, and Hawai'i Association of REALTORS. Your Committee received testimony in opposition to this measure from the Society for Hawaiian Archaeology, Building Industry Association of Hawaii, Complete Construction Services, and Office of Hawaiian Affairs. Your



Committee received comments on this measure from the Department of Land and Natural Resources and the Chamber of Commerce Hawaii.

Hawaii law provides that any building, structure, object, district, area, or site over fifty years old is considered historic property. Your Committee finds that in certain instances, this law has delayed the granting of permits, which has had a negative impact on development. Application of existing historic preservation law requires review by the State Historic Preservation Division of the Department of Land and Natural Resources prior to the granting of permits for proposed projects on historic properties.

Concerns have been raised especially due to the increasing number of private residences that are or will soon be fifty years old. Beginning around 1950, and particularly after 1960, was a period of growth in construction of housing to accommodate the State's rapidly growing population. Some of these residences are of historic or cultural value, while others are not.

Your Committee has amended this measure by:

- (1) Amending the purpose section to state that the current issues concerning historic properties narrowly focus on the review of privately owned single family residences;
- (2) Changing the definition of "historic property" to add a proviso that privately owned single-family residences fifty years or older shall only be considered historic properties for the purposes of chapter 6E, Hawaii Revised Statutes, if the residence is listed on the Hawaii Register of Historic Places, is nominated for listing on the Hawaii Register of Historic Places, or is located in a historic district;
- (3) Clarifying that properties not included or eligible for inclusion in the Hawaii Register of Historic Places shall not be subject to historic preservation review and that the counties shall not submit projects affecting such properties to the Department of Land and Natural Resources for review;
- (4) Deleting the requirement that the Department of Land and Natural Resources develop a list of types of projects



that have no potential to affect a historic property and provide the list to the counties;

- (5) Deleting the requirement that the Department of Land and Natural Resources develop a list of the types of properties likely to be eligible for inclusion in the Hawaii Register of Historic Places and provide the list to the counties;
- (6) Deleting the requirement that the Department of Land and Natural Resources report to the Legislature the plan for completing a comprehensive inventory of historic buildings;
- (7) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 877, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 877, S.D. 1, and be referred to the Committee on Higher Education and the Arts.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,



LAURA H. THIELEN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 877	Committee Referral: WTL, HEA	Date: 2-11-15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
THIELEN, Laura H. (C)	<input checked="" type="checkbox"/>			
GALUTERIA, Brickwood (VC)				<input checked="" type="checkbox"/>
IHARA, Jr., Les	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
RIVIERE, Gil	<input checked="" type="checkbox"/>			
RUDERMAN, Russell E.	<input checked="" type="checkbox"/>			
SHIMABUKURO, Maile S.L.	<input checked="" type="checkbox"/>			
SLOM, Sam				<input checked="" type="checkbox"/>
TOTAL	4	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

***Only one measure per Record of Votes**