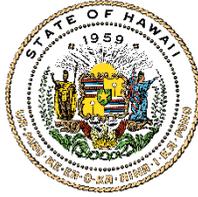


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

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  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
WATER AND LAND  
Tuesday, January 30, 2024  
9:00AM  
State Capitol Room 415 & Via Videoconference

In consideration of  
HOUSE BILL 1901  
RELATING TO HISTORIC PRESERVATION

House Bill 1901 would exempt State projects on State-owned buildings from section 6E-8, Hawaii Revised Statutes (HRS), unless the building is more than one hundred years old; listed on the Hawai'i register of historic places or the national register of historic places; or pending application to be added to the Hawai'i register of historic places or the national register of historic places. **The Department of Land and Natural Resources (Department) offers the following concerns and comments.**

Chapter 6E, HRS, sets forth the framework for a comprehensive statewide historic preservation program in Hawai'i. A key part of that program is the review of State projects, as required by section 6E-8, HRS. The Department believes that section 6E-8, HRS, reflects the Legislature's intent that the State lead the way in historic preservation by setting an example in how it manages its own historic properties. Exempting State projects on State-owned buildings is contrary to that.

Requiring a review only apply when a building is at least 100-years old, listed in or nominated for listing in a historic register, decreases the State's leadership in the field of historic preservation. Moreover, no state agency has ever been required or funded to carry out a comprehensive inventory of, or to evaluate and nominate potentially eligible buildings for historic register listing. Consequently, only the most obviously significant buildings are listed. Many other potentially significant State-owned buildings are neither listed nor nominated for listing. Under the provisions of this bill, projects affecting those

significant State-owned buildings would be carried out with no review by the Department's State Historic Preservation Division (SHPD).

Historic property should not be defined by age alone. Setting an exemption cutoff at 100 years or older excludes State-owned buildings associated with all of World War II, Statehood (including the Capitol building itself), as well as all or virtually all of the products of Hawai'i's master architects.

Although the measure does not explain the need to exempt State projects in many State buildings from SHPD review, the Department infers that this arises from the common belief that SHPD review takes too long. The average SHPD review time, however, does not reflect the actual review times for most reviews, which are completed within time limits set by administrative rule. In any case, the longest review times are for projects involving major excavation requiring archaeological investigations, which can result in time consuming reviews. Architectural reviews of projects affecting buildings alone occur in much shorter times. The last time SHPD's Architecture Branch was fully staffed, the average review time was 17 days. During the pandemic lockdown, SHPD's Architecture Branch was down to 1 person. It has now 3 of its 5 positions filled. Soon, the Department hopes the branch will be fully staffed, dramatically reducing the review time for projects that affect only the building.

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.



Celebrating 50 Years of Preserving Hawai'i's Places

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**TO:** 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:** Tuesday, January 30, 2024  
9:00 a.m.  
Via Video Conference and Conference Room 430

**RE: HB 1901, Relating to Historic Preservation**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in **opposition to HB 1901 as written, with recommendations for amendment.**

The bill would amend Hawai'i Revised Statutes §6E Historic Preservation Statute in two ways:

- HB 1901 Section 1 would Amend §6E-8 to exempt state projects on state-owned buildings from state historic preservation division review unless the affected property is more than one hundred years old, or listed in or nominated to be listed in the Hawai'i register of historic places or the national register of historic places.
- HB 1901 Section 2 would amend §6E-2 to change the definition of historic property to add that properties 50 years or older shall meet the criteria to be placed onto the Hawai'i register of historic places 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; or properties that are 100 years old.

### **Legislative Intent and Public Policy Context**

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.

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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.

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.

### **Historic Hawai'i Foundation Comments on Section 1**

HRS §6E-8 applies to the State agencies and its political subdivisions (including the County governments) and requires that projects which have the potential to affect historic properties shall be referred to the department of land and natural resources through the state historic preservation division (SHPD) for review and concurrence.

Under the proposed revision, Section 1 would change the process for state projects on state-owned buildings by creating a separate threshold for SHPD review. That is, SHPD would still review and provide concurrence for identifying significant historic properties and resolving effects from them on some State projects but not others. The bill carves out a second-class status for some types of historic and cultural resources—buildings that are between 50 and 99 years old—while retaining protections for other types of historic properties.

The declaration of intent (HRS §6E-1) states that “The legislature further declares that it shall be the public policy of this State to provide leadership in preserving, restoring, and maintaining historic and cultural property, to ensure the administration of such historic and cultural property in a spirit of stewardship and trusteeship for future generations, and to conduct activities, plans, and programs in a manner consistent with the preservation and enhancement of historic and cultural property.”

By applying a different standard to itself than to every other participant in the historic preservation program, the State is negating its leadership role. Rather than be an exemplar of stewardship and caretaking, the State would be declaring its hostility to preserving places important to the historic and cultural heritage of the State.

The selection of 100 years old as the benchmark for considering impacts to historic properties is arbitrary. It ignores the potential for association with historic events, persons important to the history of Hawai'i, design and construction achievements of the 20<sup>th</sup> century and the potential for learning important information from these places.

The change would immediately apply to buildings constructed between 1924 and 1974, with sliding beginning and end dates with the passage of time. This era of history is generally referred to as Mid-Century Modern. Hawai'i experienced profound changes between roughly 1939 and 1979, primarily from America's entry into World War II and resulting effects from that historic event. The territory emerged as the 50<sup>th</sup> state, and saw dramatic shifts in political, economic and cultural norms. Concurrently, Hawai'i's main industry transitioned from large-scale agriculture to tourism. The population boom spurred related

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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.

development so extensive that the only period in Hawaii's history which may have experienced more dramatic change was the half century or so after the initial introduction of western culture.

The dramatic social and cultural history of the mid-twentieth century also catalyzed major changes in the built environment. As the homes, offices, resorts, public facilities, sacred sites, engineering works, landscapes and other properties from this dynamic period attain greater significance and age, we are fortunate to have the perspective of time to start to understand the vast achievements in design, construction and planning from this rich age. These places are as much a part of the Hawai'i experience and fabric as contributions of previous generations of designers and builders.

Historic Hawai'i Foundation commissioned the *Hawai'i Modernism Context Study*<sup>1</sup> (Fung Associates, Inc., 2011) to provide historic context and background and to begin evaluation of significant properties from this period. This study identified numerous government buildings that should be considered to have high preservation value, finding:

By far the most impressive government building erected during the period was the **Hawaii State Capitol** (1969) designed by John Carl Warnecke and Belt, Lemmon & Lo. It is already listed in the National Register of Historic Places as part of the Capital Historic District....

Several other government buildings should be considered to have exceptionally high preservation value: Hart Wood's impeccably designed **Board of Water Supply Administration Building** (1958) with its Asian accents seamlessly blending with a modern sensibility,

Shizuo Oka's **Hawaii County Building** (1966) with its courtyard and use of lava rock expressing a strong regionalist tenor, **Island of Hawaii State Building** designed by Takashi Anbe, the **District Office on Kauai** and **State Building on Maui**.

Other government buildings of the period in Honolulu, all rendered in a more straight-forward modern style, are associated with the expansion of the government work force to meet the needs of Hawaii's growing population.

These include Hart Wood's four-story **Liliuokalani Building** (1950) which housed the Territorial Welfare Department; ... Law & Wilson's mid-rise, **AliiAIMoku Hale** (1959) built for the Territorial Department of Highways; and the four story State Department of Health Building, **Hale Kinau** (1961). These new offices were all low rise, with the tallest being the five story AliiAIMoku Hale with its vertically thrusting sun screen fins. ...

**State office buildings opened in Hilo, Wailuku and Hilo** during that year (1969), all following a fairly austere formalist style, with pronounced concrete piers and flat roofs. Anbe, Aruga & Associates Hilo building won one of seven nationwide awards given by the Office of Civil Defense's "Builders with Fallout Shelter" program, for "demonstrating architectural excellence along with prudent regard for the presence of the nuclear threat in the world."

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<sup>1</sup> [https://historichawaii.org/wp-content/uploads/HawaiiModernismContextStudy\\_Nov2011.pdf](https://historichawaii.org/wp-content/uploads/HawaiiModernismContextStudy_Nov2011.pdf)

Given the extensive analysis and documentation that demonstrates the historic significance of government buildings from this period, as well as the clear mandate to provide leadership in a spirit of stewardship and trusteeship for future generations, it is not justified for the State to exempt itself from its own preservation programs.

**HHF recommends that Section 1 be deleted from HB 1901.** We also note that the State has other mechanisms available to it to develop a comprehensive agreement to address ongoing maintenance, repair, preservation and rehabilitation projects for its historic properties. We recommend the Legislature provide direction and funding for the Department of Administrative and General Services and SHPD to do so rather than seek exemptions.

### Historic Hawai'i Foundation Comments on Section 2

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. 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.

Although HHF supports the clarification in the definition of "historic property," we also note that this amendment introduces 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.**

Based on the analysis and comments above, **HHF recommends that Section 1 be deleted from HB 1901 and Section 2 be amended to address the issues outlined.**

Thank you for the opportunity to comment.

January 30, 2024

**The Honorable Linda Ichiyama, Chair**

House Committee on Water & Land

State Capitol, Conference Room 430 & Videoconference

**RE: House Bill 1901, Relating to Historic Preservation**

**HEARING: Tuesday, January 30, 2024, at 9:00 a.m.**

Aloha Chair Ichiyama, Vice Chair Poepoe, 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 Hawai'i and its over 11,000 members. HAR **supports** House Bill 1901, which expands the definition of "historic property" for purposes of the historic preservation program. Exempts state projects on state-owned buildings from state historic preservation division review unless the affected property is more than one hundred years old or on or being added to the Hawai'i Register of Historic Places or the National Register of Historic Places.

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 either properties that are over 50 years old that meet the criteria to be placed onto the Hawai'i Register of Historic Places or has important value to Native Hawaiians or other ethnic groups or 100 years old may help to address these challenges.

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

January 29, 2024

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

**FROM:** Docomomo US, Hawaii Chapter

**Committee:** Tuesday, January 30, 2024  
9:00 a.m.  
Via Video Conference and Conference Room 430

**SUBJECT: HB 1901, Relating to Historic Preservation**

Docomomo US/Hawai'i Chapter is part of the National Docomomo U.S. and is an all-volunteer, non-profit 501(c)3 organization. The mission of Docomomo US/Hawai'i Chapter is to advance the understanding, preservation and documentation of the modern movement in the State of Hawai'i, with its unique location, physical conditions, social history and cultural characteristics. Much of Honolulu's development occurred during this period from 1950 through the 1970s, including many of the State's government buildings. On behalf of Docomomo US/Hawai'i Chapter, I am writing in **opposition to HB 1901 as written.**

As Hawai'i became a state in 1959, most of the State government buildings were built in the modern era. Hawaii has a reputation in the national architectural community as a state of unparalleled modern resources. It was further established as a place of numerous modern architectural examples during the Docomomo National Symposium in 2019.

It is troubling to think that these Mid-Century Modern gems will not be considered significant enough to warrant review by the State Historic Preservation Division.

Thank you for your kind consideration.

Aloha!

Tonia Moy

President

cc: alan.s.downer@hawaii.gov



January 30, 2024

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

RE: **HB 1901 - Relating to Historic Preservation**  
**Hearing date: January 30, 2024 at 9:00 AM**

Aloha Chair Ichiyama, Vice Chair Poepoe and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **OPPOSITION** to HB 1901. 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.

As currently drafted, NAIOP opposes HB 1901 which amends the definition of "Historic Property" to include additional "criteria to be placed onto the Hawaii register of historic places 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 measure increases the definition from 50 to 100 years.

Additionally, the measure seeks to exempt state projects on state-owned building from the state historic preservation division review unless the affected property is more than 100 years old or on the Hawaii or national register of historic place.

Primarily, NAIOP Hawaii opposes this measure as the amended definition of "historic property" to include "meets the criteria to be placed on the Hawaii register of historic places 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" is overly broad and could exacerbate the current backlog of reviews. NAIOP is concerned that this amendment would continue to cast too broad of a net and will effectively nullify the primary intent of the measure to resolve the current backlog of permit reviews. The proposed criteria are ambiguous and the measure fails to clarify who will be making the determination, effectively meaning that SHPD will continue to have to review all projects over 50 years old.

Potentially expanding SHPD's scope of review is particularly concerning due to the department's limited staffing and resources for identifying and reviewing truly historic properties. This measure fails to promote more timely reviews of projects conducted the Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD).

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 across the State. 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 don't 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 70's which should not be deemed historic.

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 the truly aged projects to determine if they are indeed historic.

NAIOP Hawaii would support an amendment a changing the definition of "historic property" to be consistent with the exemption provided for state projects in this measure. We believe that the state exemption of (1) 100 years; (2) listed on the Hawaii or national register of historic places; OR (3) pending application to be added to Hawaii or national register is more suitable for all projects.

Alternatively, we would recommend an amendment to reflect the language of HB 2261 which would amend the definition to read as follows:

1. ""Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, ~~[which is over fifty years old.]~~ that:  
(1) Is listed on the Hawaii or national register of historic places; or  
(2) Was built before August 21, 1959."

This amendment would resolve preserving specific types of historical properties, such as pre-WWII buildings and would be unambiguous, clear and prevent a future backlog of permit reviews similar to what we are experiencing. Moreover, the measure would still allow truly historic buildings to go through a review process with various criteria to be deemed historic prior to further review by SHPD.

NAIOP Hawaii looks forward to working together with stakeholders to find the right language to balance the concerns being addressed in this bill. **NAIOP Hawaii is concerned that the current version of the measure would potentially increase the**

Representative Linda Ichiyama, Chair  
Representative Mahina Poepoe, Vice Chair  
Committee on Water and Land  
January 30, 2024  
Page 2

**review times of permit reviews and nullify the intent of the measure.** Ultimately, HB 1901 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



**HAWAII STATE HOUSE OF REPRESENTATIVES  
COMMITTEE ON WATER & LAND  
Conference Room 430 & Videoconference  
State Capitol  
9:00 AM**

January 30, 2024

Subject: HB 1901 - RELATING TO HISTORIC PRESERVATION

Chair Ichiyama, Vice-Chair Poepoe, and members of the Committee:

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 1901 proposes to exempt state projects on state-owned buildings from state historic preservation division review unless the affected property is more than one hundred years old or on or being added to the Hawaii register of historic places or the national register of historic places. It also proposes to expand the definition of "historic property" to mean any building, structure, object, district, area, or site, including a heiau and an underwater site, that is over:

(1) Fifty years old and meets the criteria to be placed onto the Hawaii register of historic places 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; or

(2) One hundred years old.

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 oftentimes costly Section 6E HRS SHPD review process on projects simply because the building or structure is fifty (50) years old. Without a time limit on the amount of time SHPD has to comment on a project, time delays 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 **strongly support** HB 1901 and appreciate the opportunity to provide our comments on this matter.