

JAN 24 2024

S.B. NO. 2950

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# A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii faces an  
2 urgent need to increase its housing supply to address the  
3 pressing demand for residential units. The legislature further  
4 finds that under existing law, any building, object, district,  
5 area, or site that is over fifty years old triggers a historic  
6 preservation review.

7           Although the law was intended to protect places of  
8 historical, architectural, archaeological, and cultural  
9 significance, the legislature further finds that the fifty-year  
10 threshold is overly broad as it applies to any structure built  
11 before 1973, many of which are not historically,  
12 architecturally, archaeologically, or culturally significant.  
13 Because the historic preservation review process applies to so  
14 many projects, the overburdened state historic preservation  
15 division can take six to twelve months to complete its review,  
16 making many projects not feasible.



1           The legislature additionally finds that by reducing the  
2 number of properties subject to the historic preservation review  
3 process, the state historic preservation division can better  
4 focus its work on protecting properties of true historical,  
5 architectural, archaeological, and cultural significance. This  
6 change in the law will expedite the redevelopment of parcels  
7 that are over fifty years old but not historically,  
8 architecturally, archaeologically, or culturally significant.  
9 The legislature notes that this Act is limited solely to  
10 historic property and does not affect protections for other  
11 objects, such as iwi kupuna.

12           Therefore, the purpose of this Act is to require historic  
13 preservation review only for properties that are listed on the  
14 Hawaii or national register of historic places or were built  
15 before August 21, 1959.

16           SECTION 2. Section 6E-2, Hawaii Revised Statutes, is  
17 amended by amending the definition of "historic property" to  
18 read as follows:

19           ""Historic property" means any building, structure, object,  
20 district, area, or site, including heiau and underwater site,  
21 [~~which is over fifty years old.~~] that:



- 1        (1) Is listed on the Hawaii or national register of  
2                historic places; or  
3        (2) Was built before August 21, 1959."

4        SECTION 3. Section 6E-42.2, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6        "(a) An application for a proposed project on an existing  
7 privately-owned single-family detached dwelling unit or  
8 townhouse shall be subject to the requirements of section 6E-42  
9 only if the single-family detached dwelling unit or townhouse  
10 [~~is over fifty years old and~~]:

- 11        (1) Is listed on the Hawaii or national register of  
12                historic places[~~, or both~~]; or  
13        [~~(2) Is nominated for inclusion on the Hawaii or national~~  
14                ~~register of historic places, or both; or~~  
15        ~~(3) Is located in a historic district.]~~  
16        (2) Was built before August 21, 1959."

17        SECTION 4. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20        SECTION 5. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



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1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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# S.B. NO. 2958

**Report Title:**

Historic Preservation; Historic Property; Definition; Hawaii or National Register of Historic Places; Pre-statehood Construction; Historic Review Exclusions

**Description:**

Amends the definition of "historic property" used in historic preservation laws to remove the minimum age and require listing on the Hawaii or national register of historic places or built before August 21, 1959. Broadens exclusions from historic review for certain types of proposed projects on existing privately-owned single-family detached dwelling units or townhouses.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

