
A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1 SECTION 1. Chapter 6E, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§6E- Review; forty-five days. (a) Notwithstanding
5 any law to the contrary, the department shall approve or make a
6 determination within forty-five days on a completed and
7 submitted application for any:

8 (1) Proposed state project under section 6E-8; or
9 (2) Construction, alteration, disposition, or improvement
10 of any nature on privately owned historic property
11 under section 6E-10.

12 (b) If the department does not make a determination within
13 forty-five days, the application shall be deemed to be approved
14 and any necessary permits from the department shall be deemed to
15 be granted.

16 (c) If the department rejects the application, the
17 department shall provide written notification to the applicant



1 concerning the reasons for the rejection and how the applicant
2 may remedy any deficiencies."

3 SECTION 2. Section 6E-10, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Before any construction, alteration, disposition or
6 improvement of any nature, by, for, or permitted by a private
7 landowner may be commenced which will affect an historic
8 property on the Hawaii register of historic places, the
9 landowner shall notify the department of the construction,
10 alteration, disposition, or improvement of any nature and allow
11 the department opportunity for review of the effect of the
12 proposed construction, alteration, disposition, or improvement
13 of any nature on the historic property. The proposed
14 construction, alteration, disposition, or improvement of any
15 nature shall not be commenced, or in the event it has already
16 begun, continue, until the department shall have given its
17 concurrence or [~~ninety~~] forty-five days have elapsed. Within
18 [~~ninety~~] forty-five days after notification, the department
19 shall:

20 (1) Commence condemnation proceedings for the purchase of
21 the historic property if the department and property



1 owner do not agree upon an appropriate course of
2 action;
3 (2) Permit the owner to proceed with the owner's
4 construction, alteration, or improvement; or
5 (3) In coordination with the owner, undertake or permit
6 the investigation, recording, preservation, and
7 salvage of any historical information deemed necessary
8 to preserve Hawaiian history, by any qualified agency
9 for this purpose."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

16 INTRODUCED BY:

Linda Ohizane

JAN 19 2024



H.B. NO. 1928

Report Title:

State Historic Preservation Division; Forty-five-day Limit to Approve or Make Determination

Description:

Requires the state historic preservation division to approve or make a determination within forty-five days on a properly completed and submitted application for public and private work. Deems the application to be approved if state historic preservation division does not make a determination within forty-five days. If the application is rejected, requires state historic preservation division to explain in writing.

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

