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A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION REVIEWS OF STATE AFFORDABLE HOUSING PROJECTS.

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

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

4           "§6E-       Determination as to effect of proposed state  
5 affordable housing projects; historic review requirements. (a)  
6 Notwithstanding section 6E-8, before any agency or officer of  
7 the State or its political subdivisions commences any affordable  
8 housing project that may affect an historic property, an  
9 aviation artifact, or a burial site, the agency or officer shall  
10 advise the department and allow the department to make a  
11 determination for the proposed project as to the effect of the  
12 project on the historic property, aviation artifact, or burial  
13 site, provided that soil type, geographical location, and  
14 previous identification efforts are considered. The project  
15 shall not be commenced, or if it has already begun, continued,  
16 until the department has made its determination.

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- 1        (1) If the department determines that the proposed project  
2        is located in a highly sensitive area known to include  
3        a high density of historic, cultural, or  
4        archaeological resources, or in an area that is likely  
5        to contain a high density of historic, cultural, or  
6        archaeological resources, the department shall require  
7        an archaeological inventory survey in accordance with  
8        rules adopted by the department unless an  
9        archaeological inventory survey has already been  
10       previously reviewed and accepted by the department for  
11       the same or a substantially similar project located in  
12       the same project area.
- 13       (2) If the department determines that the proposed project  
14       is located in a moderately sensitive area in which no  
15       significant historic properties have been previously  
16       identified, the department may allow the project to  
17       proceed under an archaeological monitoring program in  
18       accordance with rules adopted by the department.
- 19       (3) If the department determines that the proposed project  
20       is located in a nominally sensitive area known to  
21       include a low density of historic, cultural, or  
22       archaeological resources, or where the project area

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1           has been substantially disturbed by previous  
2           excavation or other ground disturbing work and no  
3           significant historic properties have been previously  
4           identified, the department may allow the project to  
5           proceed without further review under this section.

6           The department shall provide its written determination  
7           within ninety days after the filing of a request with the  
8           department. The department's determinations may be appealed to  
9           the Hawaii historic places review board.

10           (b) For the purposes of this section, an "affordable  
11           housing project" or "project" is defined as a housing project in  
12           which greater than fifty per cent of the units are affordable to  
13           households with incomes at or below one hundred forty per cent  
14           of the area median income amounts published by the United States  
15           Department of Housing and Urban Development applicable to the  
16           location of the project.

17           (c) The agency or officer of the State or its political  
18           subdivisions shall obtain state inventory of historic places  
19           numbers for all historic properties located within the  
20           affordable housing project area prior to the start of  
21           construction.

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1        (d) Before any agency or officer of the State or its  
2 political subdivisions commences any affordable housing project  
3 that may adversely affect a significant historic property, the  
4 agency or officer shall make a reasonable and good faith effort  
5 to avoid or minimize any effect to significant historic  
6 properties. If an adverse effect cannot reasonably be avoided,  
7 the agency or officer shall mitigate the adverse effect.  
8 Mitigation may take different forms, including but not limited  
9 to preservation, archaeological data recovery, reburial,  
10 ethnographic documentation, historic data recovery, and  
11 architectural recordation. The terms under which mitigation  
12 will be implemented shall be approved by the department prior to  
13 the agency or officer commencing the affordable housing project.

14        (e) If human remains are identified during archaeological  
15 monitoring or affordable housing project construction, all work  
16 within the vicinity of the finding of the remains shall be  
17 stopped, although work in other areas of the project may  
18 continue, and may only proceed in accordance with section 6E-  
19 43.6.

20        (f) If historic property is identified during  
21 archaeological monitoring or affordable housing project  
22 construction, all work within the vicinity of the finding shall

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1 be stopped and the agency or officer shall contact the Hawaii  
2 state historic preservation division.

3 (g) The department of Hawaiian home lands, prior to any  
4 proposed project relating to lands under its jurisdiction, shall  
5 consult with the department regarding the effect of the project  
6 upon historic property or a burial site.

7 (h) The department shall adopt rules in accordance with  
8 chapter 91 to implement this section."

9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Nadine K. Neuhoff*

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BY REQUEST

JAN 21 2025

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**Report Title:**

DLNR; Review of Proposed State Affordable Housing Projects

**Description:**

Requires the Department of Land and Natural Resources to determine the effect of any proposed State affordable housing project within ninety days of a request for determination. Sets forth the historic review requirements based on the project area's known historic, cultural, and archaeological resources.

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

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## JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION REVIEWS OF STATE AFFORDABLE HOUSING PROJECTS.

PURPOSE: To create a separate historic review process for proposed state affordable housing projects to expedite project development timelines.

MEANS: Amend chapter 6E, Hawaii Revised Statutes, by adding a new section to part I.

JUSTIFICATION: Lengthy and backlogged historic preservation reviews prevent the timely development of affordable housing and drive up its costs. This bill is needed to expedite the review process for affordable housing.

Impact on the public: Affordable housing units would be built at a faster pace and lower cost.

Impact on the department and other agencies: The State Historic Preservation Division would implement a new process for review of proposed state affordable housing projects.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: BED-160.

OTHER AFFECTED AGENCIES: State Historic Preservation Division and the Department of Hawaiian Home Lands.

EFFECTIVE DATE: Upon approval.