

STAND. COM. REP. NO.

239

Honolulu, Hawaii

FEB 06 , 2025

RE: H.B. No. 738
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Housing, to which was referred H.B. No. 738
entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Create a process for expediting the review of residential transit-oriented development on certain parcels within county-designated transit-oriented development zones that have a low risk of affecting historically significant resources;
- (2) Further empower lead agencies, including county governments, to make determinations on the potential effects of a project;
- (3) Create a ninety-day limit to concur or not concur with project effect determinations; and
- (4) Ensure that projects with written concurrence are exempt from further review unless there is a significant change to the project.

2025-1304 HB738 HD1 HSCR HMSO-1



Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Housing Finance and Development Corporation; Grassroot Institute of Hawaii; Hawai'i YIMBY; NAIOP Hawaii; Holomau Collaborative; and two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs; Hawaii Community Development Authority; and Department of Planning and Permitting of the City and County of Honolulu.

Your Committee finds that there is an urgent need for more housing development throughout the State, especially in transit-oriented areas. Your Committee acknowledges that preserving Hawaii's cultural heritage in historic properties and burial sites is essential to the State's identity and history. This measure will streamline historic property review processes for residential transit-oriented development in areas with low risk to historically significant resources, while empowering agencies to ensure cultural preservation and enabling timely housing construction.

Your Committee has amended this measure by:

- (1) Expanding the historic property review process to include mixed-use transit-oriented development as long as a majority of the mixed-use transit-oriented development is residential;
- (2) Clarifying the components of the programmatic agreement between the Department of Land and Natural Resources and the project applicant;
- (3) Clarifying that if the Department of Land and Natural Resources fails to issue notice or non-concurrence within ninety days, or within thirty days if no historic properties are to be affected, of a complete and true submittal, concurrence is assumed, and the project may proceed;
- (4) Exempting a project from further review by the Department of Land and Natural Resources unless there is a change to the project's physical scope of work;
- (5) Specifying that an agent or officer may appeal the Department of Land and Natural Resources' failure to



provide written concurrence or non-concurrence within the ninety-day review period;

- (6) Defining "lead agency";
- (7) Clarifying what triggers further review of a project by the Department of Land and Natural Resources once the Department has provided written concurrence for state projects, privately owned historic properties, and proposed projects;
- (8) Expanding the methods to address levels of risk for the lower two effect levels of parcel classifications to include archaeological field surveys, excavation, or onsite monitoring;
- (9) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 738, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 738, H.D. 1, and be referred to your Committee on Water & Land.

Respectfully submitted on
behalf of the members of the
Committee on Housing,

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LUKE A. EVSLIN, Chair



