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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. Section 6E-10, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       **"§6E-10 Privately owned historic property.** (a) Before  
4 any construction, alteration, disposition, or improvement of any  
5 nature, by, for, or permitted by a private landowner may be  
6 commenced that will affect a historic property on the Hawaii  
7 register of historic places, the landowner shall notify the  
8 department of the construction, alteration, disposition, or  
9 improvement of any nature and allow the department the  
10 opportunity to review the effect of the proposed construction,  
11 alteration, disposition, or improvement of any nature on the  
12 historic property. If:

13       (1) The proposed construction, alteration, disposition, or  
14       improvement consists of corridors or large land areas;  
15       (2) Access to the property or properties is restricted; or  
16       (3) Circumstances dictate that construction, alteration,  
17       disposition, or improvement be done in stages,



1        the department's review may be based on a phased review of the  
2        project; provided that there shall be an agreement between the  
3        department and the property owner that identifies each phase and  
4        the estimated timeline of each phase.

5                (b) The department shall provide written concurrence or  
6        non-concurrence within ninety days, or within thirty calendar  
7        days if no historical properties are impacted by the proposed  
8        construction, alteration, disposition, or improvement, after the  
9        department has processed a complete submittal filed by the  
10        property owner. The department shall process a complete  
11        submittal within five business days of its filing. The proposed  
12        construction, alteration, disposition, or improvement of any  
13        nature shall not be commenced, or in the event it has already  
14        begun, continue, until the department has given its [e]concurrence  
15        or ninety days have elapsed. Within ninety days after  
16        notification, the department shall:

17                ~~(1) Commence condemnation proceedings for the purchase of~~  
18                ~~the historic property if the department and property~~  
19                ~~owner do not agree upon an appropriate course of~~  
20                ~~action;~~



1                   (2) ~~Permit the owner to proceed with the owner's~~  
2                   ~~construction, alteration, or improvement; or~~  
3                   (3) ~~In coordination with the owner, undertake or permit~~  
4                   ~~the investigation, recording, preservation, and~~  
5                   ~~salvage of any historical information deemed necessary~~  
6                   ~~to preserve Hawaiian history, by any qualified agency~~  
7                   ~~for this purpose.~~

8                   (b) written concurrence or non-concurrence. If the  
9                   department fails to provide written concurrence or non-  
10                  concurrence within ninety days, or within thirty calendar days  
11                  if no historical properties are impacted by the proposed  
12                  project, after receiving and processing a true and complete  
13                  submittal from the property owner, the property owner may assume  
14                  the department's concurrence for the proposed project.

15                  (c) The property owner shall ensure any application filed  
16                  by the property owner for the proposed construction, alteration,  
17                  disposition, or improvement is complete and accurate. If the  
18                  department:

19                  (1) Determines the application is not a complete  
20                  submittal;



1                   (2) Requires additional information or clarification  
2                   regarding the physical scope of work; or  
3                   (3) Requires an archaeological survey or reconnaissance  
4                   level survey for architectural resources,  
5                   the department shall notify the property owner and specify the  
6                   additional information needed to meet the requirements for a  
7                   complete submittal. The review period for the proposed project  
8                   shall cease until a complete submittal is made to the  
9                   department. Once the department has received a complete  
10                   submittal, the applicable review period shall restart.

11                   (d) Once the department has provided written concurrence  
12                   or fails to timely provide non-concurrence on the project effect  
13                   determination and any necessary mitigation measures have been  
14                   identified and agreed upon for a proposed project, the property  
15                   owner may commence the project, and the project shall be exempt  
16                   from further review by the department unless there is a change  
17                   to the project's physical scope of work or project area or  
18                   unless additional historic properties, aviation artifacts, or  
19                   burial sites are identified within the project area; provided  
20                   that:





1 on a historic property that does not involve a change in design,  
2 material, or outer appearance or change in those characteristics  
3 that qualified the historic property for entry onto the Hawaii  
4 register of historic places.

5 [-(d)] (f) Any person, natural or corporate, who violates  
6 the provisions of this section shall be fined not more than  
7 \$1,000, and each day of continued violation shall constitute a  
8 distinct and separate offense under this section for which the  
9 offender may be punished.

10 [-(e)] (g) If funds for the acquisition of needed property  
11 are not available, the governor may, upon the recommendation of  
12 the department, allocate from the contingency fund an amount  
13 sufficient to acquire an option on the property or for the  
14 immediate acquisition, preservation, restoration, or operation  
15 of the property.

16 [-(f)] (h) The department may enter, solely in performance  
17 of its official duties and only at reasonable times, upon  
18 private lands for examination or survey thereof. Whenever any  
19 member of the department duly authorized to conduct  
20 investigations and surveys of a historic or cultural nature  
21 determines that entry onto private lands for examination or



1 survey of historic or cultural finding is required, the  
2 department shall give written notice of the finding to the owner  
3 or occupant of the property at least five days before entry. If  
4 entry is refused, the member may make a complaint to the  
5 district environmental court in the circuit in which the land is  
6 located. The district environmental court may thereupon issue a  
7 warrant, directed to any police officer of the circuit,  
8 commanding the officer to take sufficient aid, and, being  
9 accompanied by a member of the department, between the hours of  
10 sunrise and sunset, allow the member of the department to  
11 examine or survey the historic or cultural property."

12 SECTION 2. Section 6E-42, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§6E-42 Review of proposed projects.** (a) Except as  
15 provided in section 6E-42.2, before any agency or officer of the  
16 State or its political subdivisions approves any project  
17 involving a permit, license, certificate, land use change,  
18 subdivision, or other entitlement for use, which may affect  
19 historic property, aviation artifacts, or a burial site, the  
20 agency or officer shall advise the department and, before any  
21 approval, allow the department an opportunity for review and



1 comment on the effect of the proposed project on historic  
2 properties, aviation artifacts, or burial sites, consistent with  
3 section 6E-43, including those listed in the Hawaii register of  
4 historic places. If:

5 (1) The proposed project consists of corridors or large  
6 land areas;

7 (2) Access to properties is restricted; or

8 (3) Circumstances dictate that construction be done in  
9 stages,

10 the department's review and comment may be based on a phased  
11 review of the project; provided that there shall be a  
12 programmatic agreement between the department and the project  
13 applicant that identifies each phase and the estimated timelines  
14 for each phase.

15 (b) The department shall provide written concurrence or  
16 non-concurrence within ninety days, or within thirty calendar  
17 days if no historical properties are impacted by the proposed  
18 project, after the filing of a request with the department. If  
19 the department fails to provide written concurrence or non-  
20 concurrence with a project effect determination within ninety  
21 days, or within thirty calendar days if no historic properties



1   are to be affected, of receiving a true and complete submittal  
2   for a project, the lead agency may assume the department's  
3   concurrence and the project may move to the next step in the  
4   compliance process.

5            (c)   The project applicant shall ensure that its  
6   application is complete and accurate. If the department:  
7            (1)   Determines the application is not a complete  
8               submittal;  
9            (2)   Requires additional information or clarification  
10           regarding the physical scope of work; or  
11           (3)   Requires an archaeological survey or reconnaissance  
12           level survey for architectural resources,  
13   the department shall notify the applicant and specify the  
14   additional information needed to meet the requirements for a  
15   complete submittal. The review period for the proposed project  
16   shall cease until a complete submittal is made to the  
17   department. Once the department has received a complete  
18   submittal, the applicable review period shall restart.  
19           [~~(b)~~]   (d)   Once the department has provided written  
20   concurrence or fails to timely provide non-concurrence on the  
21   project effect determination and any necessary mitigation



1 measures have been identified and agreed upon for a proposed  
2 project, the appropriate agency or officer of the State or any  
3 of its political subdivisions may commence the project, and the  
4 project shall be exempt from further review by the department  
5 unless there is a change to the project's physical scope of work  
6 or project area or unless additional historic properties,  
7 aviation artifacts, or burial sites are identified within the  
8 project area; provided that:

9 (1) If there is a change in the project's physical scope  
10 of work or project area or if additional historic  
11 properties or aviation artifacts are identified within  
12 the project area post-review, the appropriate agency  
13 or officer of the State or any of its political  
14 subdivisions shall notify the department within forty-  
15 eight hours of the discovery. The notification shall  
16 include a description of the historic property or  
17 aviation artifact and propose actions to avoid,  
18 minimize, or mitigate adverse effects. The department  
19 shall respond within five business days of the  
20 notification with an assessment of the historic  
21 property or aviation artifact and shall provide



1 concurrence or non-concurrence with the actions  
2 proposed to avoid, minimize, or mitigate adverse  
3 effects. The appropriate agency or officer of the  
4 State or any of its political subdivisions shall  
5 provide the department with a report of the agreed  
6 upon actions when they are completed; and

7 (2) If a burial site is inadvertently discovered, the  
8 appropriate agency or officer of the State or any of  
9 its political subdivisions shall proceed pursuant to  
10 section 6E-43 or 6E-43.6, or both, as appropriate.

11 [+] (e) The department shall inform the public of any  
12 project proposals submitted to the department under this section  
13 that are not otherwise subject to the requirement of a public  
14 hearing or other public notification.

15 [+] (f) Counties deriving and expending revenues on mass  
16 transit stations pursuant to section 46-16.8 may request  
17 programmatic review by the department for a majority-residential  
18 mixed-use transit-oriented development or residential transit-  
19 oriented development where a permit, license, certificate, land  
20 use change, subdivision, or other entitlement may be required.



1           ~~(e)~~ (g) No later than January 1, 2026, the counties and  
2       the Hawaii community development authority shall work with the  
3       department to identify and submit to the department specific  
4       parcels and rights-of-way in proximity to mass transit stations  
5       where a majority-residential mixed-use transit-oriented  
6       development, a residential transit-oriented development, or  
7       infrastructure is specifically consistent with a comprehensive  
8       general plan adopted pursuant to section 46-4; provided that the  
9       counties and Hawaii community development authority shall:

10           (1) First consult with the department and agree through  
11           memorandum on the mass transit stations, and specific  
12           transit-oriented development parcels and rights-of-

13           way, scoping the potential area for initiating  
14           programmatic review; and

15           (2) Then solicit requests and consent from non-county  
16           landowners to have their parcels and rights-of-way  
17           within the scoped area of the memorandum initiating  
18           programmatic review to proceed with the programmatic  
19           review process.

20           ~~(f)~~ (h) The department shall review all parcels and  
21       rights-of-way submitted by the counties and the Hawaii community



1 development authority pursuant to the scoping memorandum and  
2 classify each parcel and right-of-way, within six months of  
3 submittal, according to the risk that a majority-residential  
4 mixed-use transit-oriented development or residential transit-  
5 oriented development may pose to historic properties. The  
6 classification shall be categorized into three categories, in  
7 order of potential effect level from high to low, in the  
8 categories of architecture, archaeology, and history and  
9 culture; provided that:

10 (1) All county and non-county and Hawaii community  
11 development authority parcels and [rights-of-way] for  
12 programmatic review shall include the county's or the  
13 Hawaii community development authority's assessment of  
14 whether development on each parcel or right-of-way may  
15 affect historic property, aviation artifacts, or a  
16 burial site; and

17 (2) The assessment is based on:

18 (A) The Hawaii or national register of historic  
19 places;

20 (B) The age of above-surface structures;



- (C) Any existing archaeological inventory surveys previously accepted by the department;
  - (D) Any burial treatment plans accepted by the department;
  - (E) The type of substrate known to typically contain burials;
  - (F) Consultation with the:
    - (i) Relevant island burial council; and
    - (ii) Office of Hawaiian affairs; and
  - (G) Any other literary review relevant to the area.
    - (i) The department shall work with the county that submitted and the Hawaii community development to develop and agree on permitting memoranda within hours of classification regarding development best including continued identification, addressing levels for the lower two effect levels in each of the , including but not limited to creating photos, conducting an archaeological field survey, physical excavation, or onsite archaeological monitoring, presence of onsite archaeological monitoring, and



1 consider these best practices as standardized for activities  
2 conducted under this section.

3 A county and the Hawaii community development authority  
4 shall incorporate by reference these best practices as  
5 conditions of approval for any project involving a permit,  
6 license, certificate, land use change, subdivision, or other  
7 entitlement for use.

8 [+(h)] (j) Parcels and rights-of-way identified by the  
9 department where all categories are rated in the lower two  
10 effect levels shall be considered to comply with [subsections]  
11 subsection (a) or [+(b)] (d) or section 6E-8 regarding state or  
12 county lands or projects, and any subsequent permit, license,  
13 certificate, land use change, subdivision, or other entitlement  
14 for use shall not require referral to or written concurrence  
15 from the department on project effect determination and  
16 mitigation measures; provided that:

17 (1) The project is or includes infrastructure to support  
18 the development of:  
19 (A) A majority-residential mixed-use transit-oriented  
20 development; or  
21 (B) A residential transit-oriented development;



[+i] (k) Any parcels or rights-of-way characterized as highest risk shall require referral to the department pursuant to subsection (a).

9 [(-)] (1) Section 6E-43.6 shall apply in the event of an  
10 inadvertent discovery of a burial site.

11           [~~(k)~~] (m) The Hawaii housing finance and development  
12 corporation may submit to the department any additional parcels  
13 or rights-of-way for programmatic review if the counties do not  
14 provide a submittal pursuant to subsection [~~(e)~~] (g); provided  
15 that the same analysis shall be conducted pursuant to subsection  
16 [~~(f)~~,] (h), and the department shall classify the submittal  
17 within six months of receipt.

18 [+] (n) The Hawaii community development authority may  
19 submit parcels or rights-of-way within its jurisdiction to the  
20 department for review, and any parcels or rights-of-way  
21 identified by the department for which all categories are rated



1 in the lower two effect levels shall be considered to comply  
2 with [subseetions] subsection (a) or [+(b)] (d) or section 6E-8  
3 regarding state or county lands or projects, and any subsequent  
4 permit, license, certificate, land use change, subdivision, or  
5 other entitlement for use shall not require referral to the  
6 department; provided that:

7 (1) The project is or includes infrastructure to support  
8 the development of:

9 (A) A majority-residential mixed-use transit-oriented  
10 development; or

11 (B) A residential transit-oriented development;

12 (2) The project has reached substantial construction by  
13 June 30, 2036;

14 (3) Development activities have commenced consistent with  
15 best practices to address the applicable level of  
16 risk; and

17 (4) The department shall classify the submittal within six  
18 months of receipt.

19 [+(m)] (o) The department shall adopt rules in accordance  
20 with chapter 91 to implement this section.



1        [+(n)] (p) For the purposes of this section, "majority-  
2 residential mixed-use transit-oriented development" means a  
3 mixed-use transit-oriented development project where the  
4 majority of the project is residential and may include off-site  
5 infrastructure."

6        SECTION 3. Section 6E-42, Hawaii Revised Statutes, is  
7 amended to read as follows:

8            **"§6E-42 Review of proposed projects.** (a) Except as  
9 provided in section 6E-42.2, before any agency or officer of the  
10 State or its political subdivisions approves any project  
11 involving a permit, license, certificate, land use change,  
12 subdivision, or other entitlement for use that may affect  
13 historic property, aviation artifacts, or a burial site, the  
14 agency or officer shall advise the department and, before any  
15 approval, allow the department an opportunity for review and  
16 comment on the effect of the proposed project on historic  
17 properties, aviation artifacts, or burial sites, consistent with  
18 section 6E-43, including those listed in the Hawaii register of  
19 historic places. If:

20            (1) The proposed project consists of corridors or large  
21            land areas;



20 (c) The project applicant shall ensure that its  
21 application is complete and accurate. If the department:



1           (1) Determines the application is not a complete  
2           submittal;  
3           (2) Requires additional information or clarification  
4           regarding the physical scope of work; or  
5           (3) Requires an archaeological survey or reconnaissance  
6           level survey for architectural resources,  
7           the department shall notify the applicant and specify the  
8           additional information needed to meet the requirements for a  
9           complete submittal. The review period for the proposed project  
10          shall cease until a complete submittal is made to the  
11          department. Once the department has received a complete  
12          submittal, the applicable review period shall restart.

13           [(b)] (d) Once the department has provided written  
14          concurrence on the project effect determination and any  
15          necessary mitigation measures have been identified and agreed  
16          upon for a proposed project, the appropriate agency or officer  
17          of the State or any of its political subdivisions may commence  
18          the project, and the project shall be exempt from further review  
19          by the department unless there is a change to the project's  
20          physical scope of work or project area or unless additional



1 historic properties, aviation artifacts, or burial sites are  
2 identified within the project area; provided that:  
3 (1) If there is a change in the project's physical scope  
4 of work or project area or if additional historic  
5 properties or aviation artifacts are identified within  
6 the project area post-review, the appropriate agency  
7 or officer of the State or any of its political  
8 subdivisions shall notify the department within forty-  
9 eight hours of the discovery. The notification shall  
10 include a description of the historic property or  
11 aviation artifact and propose actions to avoid,  
12 minimize, or mitigate adverse effects. The department  
13 shall respond within five business days of the  
14 notification with an assessment of the historic  
15 property or aviation artifact and shall provide  
16 concurrence or non-concurrence with the actions  
17 proposed to avoid, minimize, or mitigate adverse  
18 effects. The appropriate agency or officer of the  
19 State or any of its political subdivisions shall  
20 provide the department with a report of the agreed  
21 upon actions when they are completed; and



5 [←e] (e) The department shall inform the public of any  
6 project proposals submitted to the department under this section  
7 that are not otherwise subject to the requirement of a public  
8 hearing or other public notification.

9 [+(d)] (f) Whenever the project involves the development  
10 of residential units or mixed-use development, as long as a  
11 majority of the mixed-use development is residential, and after  
12 an initial evaluation, the department determines that:

13 (1) The department will not be able to provide its review  
14 and comment within sixty days of being advised  
15 pursuant to subsection (a);

16 (2) The third-party consultant has the qualifications and  
17 experience required by subsection ~~[+ (e)]~~ (g) to  
18 conduct the review; and

19 (3) The contract with the third-party consultant:

20 (A) Requires the third-party consultant to provide a  
21 recommendation to the department within thirty



1                   days of the date that the consultant is retained  
2                   to conduct the review and comment; and  
3                   (B) Allows the department to reserve the right to  
4                   determine whether use of a third-party consultant  
5                   was appropriate and terminate the contract if the  
6                   third-party consultant:  
7                   (i) Has evidenced insufficient compliance with  
8                   the state historic preservation laws and  
9                   rules; or  
10                  (ii) Has not completed assigned historic  
11                  preservation reviews accurately,  
12                  then the department may retain a third-party consultant to  
13                  conduct the review and comment described under subsection (a) no  
14                  later than sixty days after being advised pursuant to subsection  
15                  (a); provided that this subsection shall not apply to projects  
16                  that trigger section 106 of the National Historic Preservation  
17                  Act of 1966, as amended.

18                  [+(e)] (g) Whenever the department retains any third-  
19                  party consultant, including any architect, engineer,  
20                  archaeologist, planner, or other professional, to review an



1 application for a permit, license, or approval under subsection  
2 ~~[+{(d)}]~~, (f), the third-party consultant shall:

- 3 (1) Meet the educational and experience standards as well  
4 as the qualifications for preservation professionals  
5 pursuant to rules adopted by the state historic  
6 preservation division;
- 7 (2) Follow state ethics rules; and
- 8 (3) Not review any project that the third-party consultant  
9 or the consultant's employer has previously worked on.

10 ~~[+{(f)}]~~ (h) The project proponent shall pay the reasonable  
11 fee requirements of the third-party consultant; provided that  
12 the project proponent may contract with or sponsor any county,  
13 housing authority, non-profit organization, or person to meet  
14 the fee requirements.

15 ~~[+{(g)}]~~ (i) Counties deriving and expending revenues on  
16 mass transit stations pursuant to section 46-16.8 may request  
17 programmatic review by the department for a majority-residential  
18 mixed-use transit-oriented development or residential transit-  
19 oriented development where a permit, license, certificate, land  
20 use change, subdivision, or other entitlement may be required.



1       ~~[+ (h)]~~ (j) No later than January 1, 2026, the counties  
2 and the Hawaii community development authority shall work with  
3 the department to identify and submit to the department specific  
4 parcels and rights-of-way in proximity to mass transit stations  
5 where a majority-residential mixed-use transit-oriented  
6 development, a residential transit-oriented development, or  
7 infrastructure is specifically consistent with a comprehensive  
8 general plan adopted pursuant to section 46-4; provided that the  
9 counties and Hawaii community development authority shall:

- 10       (1) First consult with the department and agree through  
11           memorandum on the mass transit stations, and specific  
12           transit-oriented development parcels and rights-of-  
13           way, scoping the potential area for initiating  
14           programmatic review; and  
15       (2) Then solicit requests and consent from non-county  
16           landowners to have their parcels and rights-of-way  
17           within the scoped area of the memorandum initiating  
18           programmatic review to proceed with the programmatic  
19           review process.

20       ~~[+ (i)]~~ (k) The department shall review all parcels and  
21           rights-of-way submitted by the counties and the Hawaii community



1 development authority pursuant to the scoping memorandum and  
2 classify each parcel and right-of-way, within six months of  
3 submittal, according to the risk that a majority-residential  
4 mixed-use transit-oriented development or residential transit-  
5 oriented development may pose to historic properties. The  
6 classification shall be categorized into three categories, in  
7 order of potential effect level from high to low, in the  
8 categories of architecture, archaeology, and history and  
9 culture; provided that:

- 10 (1) All county and non-county and Hawaii community  
11 development authority parcels and [+]rights-of-way[+] for  
12 programmatic review shall include the county's or the Hawaii community development authority's  
13 assessment of whether development on each parcel or right-of-way may affect historic property, aviation  
14 artifacts, or a burial site; and  
15 (2) The assessment is based on:  
16 (A) The Hawaii or national register of historic places;  
17 (B) The age of above-surface structures;



- (C) Any existing archaeological inventory surveys previously accepted by the department;
  - (D) Any burial treatment plans accepted by the department;
  - (E) The type of substrate known to typically contain burials;
  - (F) Consultation with the:
    - (i) Relevant island burial council; and
    - (ii) Office of Hawaiian affairs; and
  - (G) Any other literary review relevant to the area.

11           [+{j+1}] (1) The department shall work with the county that  
12 made the submittal and the Hawaii community development  
13 authority to develop and agree on permitting memoranda within  
14 three months of classification regarding development best  
15 practices, including continued identification, addressing levels  
16 of risk for the lower two effect levels in each of the  
17 categories, including but not limited to creating photo  
18 inventories, conducting an archaeological field survey,  
19 archaeological excavation, or onsite archaeological monitoring,  
20 and the presence of onsite archaeological monitoring, and



1 consider these best practices as standardized for activities  
2 conducted under this section.

3 A county and the Hawaii community development authority  
4 shall incorporate by reference these best practices as  
5 conditions of approval for any project involving a permit,  
6 license, certificate, land use change, subdivision, or other  
7 entitlement for use.

8 ~~[+{(k)}]~~ (m) Parcels and rights-of-way identified by the  
9 department where all categories are rated in the lower two  
10 effect levels shall be considered to comply with ~~[subsections]~~  
11 subsection (a) or ~~[+b]}~~ (d) or section 6E-8 regarding state or  
12 county lands or projects, and any subsequent permit, license,  
13 certificate, land use change, subdivision, or other entitlement  
14 for use shall not require referral to or written concurrence  
15 from the department on project effect determination and  
16 mitigation measures; provided that:

17 (1) The project is or includes infrastructure to support  
18 the development of:  
19 (A) A majority-residential mixed-use transit-oriented  
20 development; or  
21 (B) A residential transit-oriented development;



6            [+(-)] (n) Any parcels or rights-of-way characterized as  
7            highest risk shall require referral to the department pursuant  
8            to subsection (a).

9 [+(m)] (o) Section 6E-43.6 shall apply in the event of an  
10 inadvertent discovery of a burial site.

11        [+(n+)] (p) The Hawaii housing finance and development  
12 corporation may submit to the department any additional parcels  
13 or rights-of-way for programmatic review if the counties do not  
14 provide a submittal pursuant to subsection [+(h+);] (j);  
15 provided that the same analysis shall be conducted pursuant to  
16 subsection [+(i+)], (k), and the department shall classify the  
17 submittal within six months of receipt.

18 [+(e)] (q) The Hawaii community development authority may  
19 submit parcels or rights-of-way within its jurisdiction to the  
20 department for review, and any parcels or rights-of-way  
21 identified by the department for which all categories are rated



1 in the lower two effect levels shall be considered to comply  
2 with [subseetions] subsection (a) or [-(b)] (d) or section 6E-8  
3 regarding state or county lands or projects, and any subsequent  
4 permit, license, certificate, land use change, subdivision, or  
5 other entitlement for use shall not require referral to the  
6 department; provided that:

7 (1) The project is or includes infrastructure to support  
8 the development of:

9 (A) A majority-residential mixed-use transit-oriented  
10 development; or

11 (B) A residential transit-oriented development;

12 (2) The project has reached substantial construction by  
13 June 30, 2036;

14 (3) Development activities have commenced consistent with  
15 best practices to address the applicable level of  
16 risk; and

17 (4) The department shall classify the submittal within six  
18 months of receipt.

19 [-(p)] (r) The department shall adopt rules in accordance  
20 with chapter 91 to implement this section.



1        [({q})] (s) For the purposes of this section, "majority-  
2 residential mixed-use transit-oriented development" means a  
3 mixed-use transit-oriented development project where the  
4 majority of the project is residential and may include off-site  
5 infrastructure."

6            SECTION 4. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9            SECTION 5. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11           SECTION 6. This Act shall take effect on July 1, 2026,  
12 after the amendments made by Act 306, Session Laws of Hawaii  
13 2025, to section 6E-42, Hawaii Revised Statutes, take effect;  
14 provided that section 3 of this Act shall be repealed on June  
15 30, 2030, and section 6E-42, Hawaii Revised Statutes, shall be  
16 reenacted in the form in which it read on the day prior to the  
17 effective date of Act 306, Session Laws of Hawaii 2025.



H.B. NO. 1710

1

INTRODUCED BY:

Oppon Miyake

JAN 20 2026



# H.B. NO. 1710

**Report Title:**

Historic Preservation; State Historic Preservation Division Review; Historic Properties; Private Properties; Project Review; Review Period

**Description:**

Authorizes SHPD to conduct a phased review of a proposed project on private property under certain circumstances. Amends the process and deadlines by which SHPD must provide written concurrence or non-concurrence for a proposed project on private property or other project that requires entitlement for use, after which concurrence may be assumed and the project may proceed.

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

