

STAND. COM. REP. NO. **3362**

Honolulu, Hawaii

MAR 30 2026

RE: H.B. No. 1710
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Water, Land, Culture and the Arts, to which was referred H.B. No. 1710, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the State Historic Preservation Division to conduct a phased review of a proposed project on private property under certain circumstances; and
- (2) Amend the process and deadlines by which the State Historic Preservation Division must provide written concurrence or non-concurrence for proposed projects on private property or certain projects that require state or county approval for entitlement for use, after which concurrence may be assumed and the project may move to the next step in the compliance process.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Planning and Sustainable Development, Department of Planning and Permitting of the City and County of Honolulu, one member of the Maui County Council, one member of the Kaua'i County Council, Hawai'i Association of REALTORS, Grassroot Institute of Hawaii,



NAIOP Hawaii, Avalon Development, Hawai'i Community Foundation, Maui Hotel and Lodging Association, Maui Chamber of Commerce, ABC Stores, Housing Hawai'i's Future, and six individuals.

Your Committee received testimony in opposition to this measure from the Society for Hawaiian Archaeology.

Your Committee received comments on this measure from the Department of the Attorney General, Office of Hawaiian Affairs, and one individual.

Your Committee finds that incomplete and deficient submissions from project proponents to the State Historic Preservation Division (SHPD) cause preventable delays in the review process. Your Committee believes that recommendations from the Simplifying Permitting for Enhanced Economic Development Task Force, which involved establishing standards for what constitutes a complete submittal to SHPD and timeframes for the review of complete submittals by SHPD, would appropriately address this issue. This measure will streamline coordination across government agencies and improve the predictability, efficiency, and workflow of state and county projects.

Your Committee acknowledges the recommendations provided in testimony by the Office of Hawaiian Affairs that complete submittal requirements should be applied to all sections that govern the historic review process in chapter 6E, Hawaii Revised Statutes (HRS); a preservation plan should be required instead of a phased review approach for privately owned historic properties; automatic approval timelines of section 6E-8, HRS, should not be extended to sections 6E-10 and 6E-42, HRS; and uncertainty among counties and project proponents resulting from the enactment of Act 293, Session Laws of Hawaii 2025, require amendments to section 6E-42.2, HRS. Your Committee also acknowledges the recommendation provided in testimony by the Department of the Attorney General that proposed amendments to section 6E-42, HRS, should amend the statute presently in effect and not the version to be enacted on July 1, 2026, pursuant to Act 306, Session Laws of Hawaii 2025. Amendments to this measure are therefore necessary to adopt these recommendations.

Accordingly, your Committee has amended this measure by:



- (1) Clarifying that certain requirements for complete submittal apply to projects submitted under chapter 6E, HRS, rather than under section 6E-2, HRS;
- (2) Clarifying that a project proponent or landowner of certain proposed constructions, alterations, dispositions, or improvements on a historic property shall complete a preservation plan to guide preservation-related maintenance intervals and set up a timeline for certain proposed preservation-related repair or restoration work that requires the Department of Land and Natural Resources (Department) to review and approve the preservation plan before implementation, rather than allowing the Department's review of certain proposed constructions, alterations, dispositions, or improvements on a historic property to be based on a phased review of the project or long-term maintenance of the property under certain conditions;
- (3) Deleting language that would have allowed a property owner to assume the concurrence of the proposed project by the Department and move the project on to the next step in the compliance process, under certain conditions;
- (4) Deleting language would have allowed the property owner to commence a project once the Department fails to timely provide non-concurrence on the project effect determination;
- (5) Deleting language that would have allowed the lead agency to assume the Department's concurrence, and move the project on to the next step in the compliance process, if the Department failed to timely provide a written concurrence or non-concurrence with a project effect determination;
- (6) Inserting language clarifying that an application for a proposed project on an existing privately-owned residential property shall be subject to the requirements of section 6E-42, HRS, only when one or more of the following applies:



- (A) The property is listed on the Hawaii or National Register of Historic Places;
 - (B) The property is nominated for inclusion on the Hawaii or National Register of Historic Places, or both;
 - (C) The property is located in a historic district;
 - (D) The proposed project involves ground-disturbing activity under certain conditions; or
 - (E) The proposed permitted project changes the number or density of residential units, or changes the property's classification or zoning, resulting in a mixed-use residential development;
- (7) Inserting language specifying that an application for a proposed project on an existing privately-owned residential property requires the Department to execute a programmatic agreement with the permitting agency to establish a program alternative or otherwise determine the property to not require review under section 6E-42.2, HRS, due to the absence of historic properties or iwi kupuna;
- (8) Specifying that an application for a proposed project shall not be subject to the requirements of section 6E-42, HRS, if the project lies in a nominally sensitive area;
- (9) Inserting definitions for the terms "ground-disturbing activity", "karst", "sandy soil", and "topsoil", and amending the definition of the term "nominally sensitive area"; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1710, H.D. 2, as amended herein, and



recommends that it pass Second Reading in the form attached hereto as H.B. No. 1710, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Culture and the Arts,

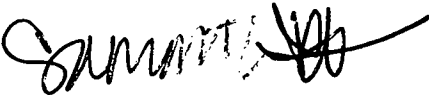


CHRIS LEE, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land, Culture and the Arts
WLA

Bill / Resolution No.:* HB 1710 HD2	Committee Referral: WLA, JDC	Date: 3/25/24		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)				✓
CHANG, Stanley				✓
LAMOSAO, Rachele	✓	✓		
DECORTE, Samantha	✓			
TOTAL	2	1		2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes