

Honolulu, Hawaii

FEB 12

, 2026

RE: H.B. No. 2102
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Housing, to which was referred H.B. No. 2102 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify that residential projects involving ground disturbance in high-risk areas remain subject to review under the State Historic Preservation Program; and
- (2) Remove the historic review exemption for lands presumed nominally sensitive.

Your Committee received testimony in support of this measure from the Office of Planning and Sustainable Development; Office of Hawaiian Affairs; Kailua Kau Ho'oilu; Native Hawaiian Legal Corporation; Kailua Hawaiian Civic Club; Na Wai Ho'ola Nui La'au Lapa'au Foundation; Kahua O Kakou, Corp.; Kūpuna for the Mo'opuna; and numerous individuals. Your Committee received testimony in opposition to this measure from NAIOP Hawaii. Your Committee received comments on this measure from the Department of Land and Natural Resources and Department of Planning and Permitting of the City and County of Honolulu.



Your Committee finds that the protection of iwi kupuna and other culturally significant resources is a constitutional obligation and is central to safeguarding Native Hawaiian traditional and customary practices. However, your Committee acknowledges that maintaining an exemption from historic review for projects located in nominally sensitive areas is prudent to ensure that the Department of Land and Natural Resources can efficiently and effectively conduct historic reviews while exercising its due diligence. Your Committee believes that restoring review requirements for certain residential projects, while retaining the exemption for nominally sensitive areas, will strengthen cultural protections while also upholding the State's responsibility to preserve historic and ancestral resources.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that excluded activities for historic review are for privately-owned residential properties, rather than existing privately-owned low-unit residential properties, and deleting the definition of "existing privately-owned low-unit residential property";
- (2) Specifying that all proposed projects for privately-owned residential properties shall be subject to historic review if the projects involve modification of a residential structure that is more than fifty years old and meets additional criteria;
- (3) Specifying that a proposed project that meets certain requirements and is located in a nationally, state-, or locally designated historic district is subject to historic review;
- (4) Clarifying the types of privately-owned proposed projects that involve ground-disturbing activity and are therefore subject to historic review;
- (5) Expanding the types of proposed projects that would trigger a historic review;
- (6) Reinstating the definition of, and language relating to, nominally sensitive areas and clarifying that the Department of Land and Natural Resources, in



coordination with the counties, may otherwise define "nominally sensitive area";

- (7) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (8) 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. 2102, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2102, H.D. 1, and be referred to your Committee on Water & Land.

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

ZAC

LUKE A. EVSLIN, Chair



