

## ACT 224

H.B. NO. 830

A Bill for an Act Relating to Residential Property.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. According to the United States Census Bureau and the department of business, economic development, and tourism, nearly forty per cent of the existing private residences on Oahu were built before 1970. In certain census tracts, this number is as high as eighty-five per cent.

Hawaii law provides that any building, structure, object, district, area, or site over fifty years old is considered historic property. Furthermore, current application of historic preservation law requires review by the state historic preservation division of the department of land and natural resources prior to the granting of permits for proposed projects on historic properties. In certain instances, this requirement has delayed the granting of permits for a period of many months, which has had an adverse effect on the construction industry. Since nearly forty per cent of private residences on Oahu have reached or are approaching fifty years of age, it is prudent for the State to reexamine the current processes and procedures regarding historic properties.

The purpose of this Act is to create an exemption from the review requirements of section 6E-42, Hawaii Revised Statutes, for proposed projects on privately-owned single-family detached dwelling units and townhouses that are not designated on or nominated for the Hawaii or national register of historic places and are not located in a historic district.

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

**“§6E- Excluded activities for privately-owned single-family detached dwelling units and townhouses. (a) An application for a proposed project on an existing privately-owned single-family detached dwelling unit or townhouse shall**

be subject to the requirements of section 6E-42 only if the single-family detached dwelling unit or townhouse is over fifty years old and:

- (1) Is listed on the Hawaii or national register of historic places, or both;
  - (2) Is nominated for inclusion on the Hawaii or national register of historic places, or both; or
  - (3) Is located in a historic district.
- (b) For the purposes of this section:

“Dwelling unit” means a building or portion thereof designed or used exclusively for residential occupancy and having all necessary facilities for permanent residency such as living, sleeping, cooking, eating, and sanitation.

“Single-family detached dwelling unit” means an individual, freestanding, unattached dwelling unit, typically built on a lot larger than the structure itself, resulting in an area surrounding the dwelling.

“Townhouse” has the same meaning as defined in section 502C-1.”

SECTION 3. Section 6E-42, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) ~~Before~~ Except as provided in section 6E- before any agency or officer of the State or its political subdivisions approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property, aviation artifacts, or a burial site, the agency or office shall advise the department and prior to any approval allow the department an opportunity for review and comment on the effect of the proposed project on historic properties, aviation artifacts, or burial sites, consistent with section 6E-43, including those listed in the Hawaii register of historic places. If:

- (1) The proposed project consists of corridors or large land areas;
- (2) Access to properties is restricted; or
- (3) Circumstances dictate that construction be done in stages,

the department’s review and comment may be based on a phased review of the project; provided that there shall be a programmatic agreement between the department and the project applicant that identifies each phase and the estimated timelines for each phase.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2015.

(Approved July 9, 2015.)

**Note**

1. Edited pursuant to HRS §23G-16.5.