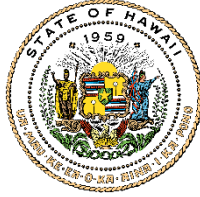


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committee on  
HOUSING  
Tuesday, February 4, 2025  
1:00 PM  
State Capitol Conference Room 225 & Videoconference

In consideration of  
Senate Bill 1263  
RELATING TO HISTORIC PRESERVATION

Senate Bill 1263 proposes to create a process for expediting the review of certain residential transit-oriented development projects within Transit-Oriented Development zones that would pose a low risk of adversely affecting historic and cultural resources while making meaningful updates to the existing statute. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

Chapter 6E, HRS, provides the framework for a comprehensive statewide historic preservation program in Hawai'i. A key part of that program is the review of projects as required by sections 6E-8, 6E-10, 6E-42, and 6E-43 HRS. These statutory provisions reflect the Legislature's intent to require project proponents to consider the impact of their projects on 'iwi kūpuna, as well as historic and cultural resources.

The Department recognizes the need to streamline the historic preservation review process in order to help address the current housing crisis in Hawai'i. This bill would allow residential transit-oriented development projects within Transit-Oriented Development zones to proceed in an expedited manner, provided they are located within areas that have been previously surveyed and have been determined to have low or no likelihood of containing 'iwi kūpuna or historic and cultural resources. Additionally, this bill would allow projects that are large in scale/geographical area and require that they be completed in stages to be reviewed by the Department in phases. The bill would also establish a process for which the Department may appeal the implementation of projects subject to expedited review to the Hawai'i Historic Places Review Board. The amendments to Chapter 6E, HRS, and alternative approaches established within this bill are both reasonable and feasible.

To further strengthen this bill, the Department recommends the following edits and additions for clarity and completeness.

Pg. 2, line 1-2 to specify the role and responsibility of the Department regarding concurrence and project determinations.

“(3) Create a ninety-day limit for the Department to concur or not concur with project effect determinations; and”

Pg. 2, line 8-17 to add a definition of the term “lead agency” following the end of the sentence to provide clarity and prevent confusion. The Department recommends that the definition state the following:

“The lead agency is the entity with designated responsibility for compliance with the statute. The decision on which agency serves as lead is made by the agencies involved, typically the agency with the greater degree of involvement with the project.”

Pg. 3, line 6-10 to provide specificity regarding the components of the programmatic agreement.

“the department may give its written concurrence based on a phased review of the project; provided that there shall be an executed a programmatic agreement in place between the department and the project applicant that identifies the entirety of the project scope, project area, and each construction phase and the estimated timelines for each phase, and any agreed upon mitigation measures.”

Pg. 3, line 13-16 to provide clarity, specificity, and congruity with the existing statute.

“If the department fails to provide written concurrence or non-concurrence with a project effect determination within ninety days, of receiving a complete and true project submittal, the lead agency may assume the Department’s concurrence and the project may move to the next step in the compliance process.”

Pg. 3, line 17-21 and Pg. 4, line 1-2

“The agency or officer seeking to proceed with the project, or any person, may appeal the department’s concurrence or non-concurrence, or failure to provide written concurrence or nonconcurrence within the ninety-day review period, to the Hawaii historic places review board. An agency, officer, or other person who is dissatisfied with the decision of the review board may apply to the governor, who may take action as the governor deems best in overruling or sustaining the department.”

Pg. 4, line 3-12 should indicate what the process is if findings of additional historic properties occur.

Pg. 4, line 9 to remove the word “significant” as it may be subjective and require consultation between the Department and the lead agency in interpret meaning or scope of the change of work to determine if the threshold was met for the Department to require additional review.

Pg. 6, line 3 to remove the word “significant” as it may be subjective and require consultation between the Department and the lead agency in interpret meaning or scope of the change of work to determine if the threshold was met for the Department to require additional review.

Pg. 7, line 17 to remove the word “significant” as it may be subjective and require consultation between the Department and the lead agency in interpret meaning or scope of the change of work to determine if the threshold was met for the Department to require additional review.

Pg. 10, line 8-16

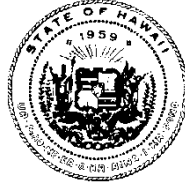
“(f) The department shall work with the county that made the submittal to develop and agree on permitting memoranda within three months of classification regarding development best practices, including continued identification, addressing levels of risk for the lower two effect levels in each of the categories, including but not limited to creating photo inventories, conducting an archaeological field survey, archaeological excavation, or onsite archaeological monitoring, and consider these best practices as standardized for activities conducted under this section.”

During the House Committee on Housing hearing for the companion House Bill 738, the question was raised about removing the word "residential" to allow mixed-use commercial projects to qualify for expedited review. The Department advised that doing so would significantly increase the volume of projects, making it difficult for the State Historic Preservation Division (Division) to meet the bill’s review deadlines. Instead, the Department suggested expanding "residential" to include mixed-use projects where residential use is the majority. The Department maintains this position for Senate Bill 1263.

Mahalo for the opportunity to provide testimony on this measure.

**JOSH GREEN, M.D.**  
GOVERNOR

**SYLVIA LUKE**  
LT. GOVERNOR



**DEAN MINAKAMI**  
EXECUTIVE DIRECTOR

**STATE OF HAWAII**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
677 QUEEN STREET, SUITE 300  
HONOLULU, HAWAII 96813  
FAX: (808) 587-0600

Statement of  
**DEAN MINAKAMI**  
Hawaii Housing Finance and Development Corporation  
Before the

**SENATE COMMITTEE ON HOUSING**

February 04, 2025 at 1:00 p.m.  
State Capitol, Room 225

In consideration of  
**S.B. 1263**  
**RELATING TO HISTORIC PRESERVATION.**

Chair Chang, Vice Chair Hashimoto, and members of the Committee.

HHFDC **supports** SB 1263, which creates a process for expediting the review of residential transit-oriented development (TOD) on certain parcels within county-designated TOD zones that have a low risk of affecting historically significant resources. It also authorizes lead agencies, including county governments, to make determinations on the potential effects of a project; creates a ninety-day limit to concur or not concur with project effect determinations; and provides that projects with written concurrence are exempt from further review unless there is a significant change to the project or additional historic properties, aviation artifacts, or burial sites are identified within the project area.

HHFDC supports efforts to streamline what has historically been a bottleneck in the development process and has slowed affordable housing projects, including those using the provisions of Hawaii Revised Statutes Chapter 201H to expedite development.

Expediting the review process for residential TOD projects that have a low risk of affecting historically significant resources would help more affordable housing units be produced in a timely manner.

Thank you for the opportunity to testify on this bill.



**TESTIMONY WITH COMMENTS ON SB1263**  
RELATING TO HISTORIC PRESERVATION  
Senate Committee on Housing

February 4, 2025

1:00 p.m.

Room 225

Aloha e Chair Chang, Vice Chair Hashimoto, and Members of the Committee on Housing:

The Office of Hawaiian Affairs (OHA) provides **COMMENTS** on SB1263, which proposes to expedite the review of residential transit-oriented development (TOD) projects by: 1) authorizing a lead agency to make a determination on potential effects of a project; 2) establishing a 90-day time limit for the State Historic Preservation Division (SHPD) to respond; 3) providing a pathway for Counties to request programmatic historic preservation review for TOD residential development; and 4) establishing archaeological risk areas that may pose a level of adverse effect (high to low) to historic properties. The bill is mostly duplicative of existing processes established in the Hawai'i Administrative Rules and ignores the lack of resources at SHPD and inexperience that lead agencies may have when making determinations of effect on historic properties.

OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.<sup>1</sup> As part of our constitutional and statutory mandate, OHA has been intimately involved with historic preservation related advocacy for decades and is granted specific kuleana under the Hawai'i Historic Preservation law, Hawai'i Revised Statutes (HRS) Chapter 6E, and implementing regulations.<sup>2</sup> Thus, we are well aware of the pitfalls within the current laws and rules, and where amendments to these laws and rules would improve the state's historic preservation process.

**First**, a lead agency must already make a determination of effect and submit it to SHPD as part of the historic review process under the implementing regulations for HRS Chapter 6E. See Hawai'i Administrative Rules (HAR) § 13-275-7(a). After the lead agency makes its determination, it submits the determination to SHPD for concurrence or non-concurrence, which under implementing regulations is set for 45 days. (HAR) § 13-275-7(c). See Hawai'i Administrative Rules § 13-275-7. Statutory amendments are unnecessary to clarify the process for making effects determinations.

**Second**, the automatic approval provision (page 3 lines 13-16) is duplicative as HAR § 13-275-3(e) already allows for automatic concurrence if SHPD does not respond to written comments within the established times set for each step in the HRS 6E-8 process in the rules. In OHA's experience, delays in the HRS 6E process most often arise because individuals at the lead agency making the initial determination lack the qualifications to do so and do not

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<sup>1</sup> Haw. Const. Art. XII Sec.5

<sup>2</sup> See HRS 6E-3, 43, -43.5, 43.6; and, HAR 13-284-6(c) and HAR 13-275-6(c).

provide SHPD with sufficient documentation to justify the determination. To OHA's knowledge, only of a few State/County agencies (i.e., Department of Transportation, County of Maui) have archaeologists on staff who are qualified to perform effects determinations and aid in compliance with HRS 6E. Accordingly, to expedite project review without gutting the law, it is necessary for the legislature to provide sufficient funding for lead agencies to retain qualified staff to make determinations of potential effects.

**Third**, HRS section 6E-42(a)(3) currently provides guidance on phased SHPD review for projects where "circumstances dictate that construction be done in stages." Such phased review is allowed if SHPD and the applicant enter a programmatic agreement (PA) that identifies each phase and estimated timelines. The proposed language is therefore duplicative of existing law.

**Fourth**, while OHA supports in concept the utility of a programmatic assessment that would use a risk-based category system such as the military uses to assess its own lands, the development of such a system and the cost would far outstrip SHPD's current resources and the six-month timeline set out in the bill (page 9 lines 6-12). OHA suggests that the better way for the legislature to initiate a programmatic review of TOD lands is to appropriate sufficient resources and delegate the details of the program to SHPD for rulemaking, as customary, to allow for the agency with expertise in this area to develop the best way for such programmatic review to move forward. If done properly, such programmatic review could be used in other places and context to minimize the costs of complying with HRS Chapter 6E.

Mahalo for the opportunity to testify on this measure. We look forward to seeing our **COMMENTS** on SB1263 carefully considered.



**HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY**

547 Queen Street, Honolulu, Hawaii 96813  
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JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LT. GOVERNOR

STERLING HIGA  
CHAIRPERSON

CRAIG K. NAKAMOTO  
EXECUTIVE DIRECTOR

Statement of  
**CRAIG K. NAKAMOTO**  
**Executive Director**  
Hawai'i Community Development Authority  
before the  
**COMMITTEE ON HOUSING**

Tuesday, February 4, 2025  
1:00 PM  
State Capitol, Conference Room 225 & Videoconference

In consideration of  
**SB 1263**

**RELATING TO HISTORIC PRESERVATION**

Chair Chang, Vice Chair Hashimoto, and members of the Committee.

The Hawai'i Community Development Authority (HCDA) respectfully offers general **comments on SB 1263** for the committee's consideration.

Summary of the Bill's Major Provisions

HCDA's understanding is that the key provisions of this bill generally propose to:

- (i) Amends HRS §6E-8 to allow state projects to proceed if the State Historic Preservation Division ("SHPD") fails to provide written concurrence or non-concurrence within ninety days [Page 3, Lines 11 to 16], and also limits further historic preservation reviews once SHPD has provided written concurrence, unless there are significant changes to the project [Page 3, Lines 3 to 12];
- (ii) Amends HRS §6E-10 to limit further historic preservation reviews once SHPD has provided written concurrence, unless there are significant changes to the project [Page 5, Lines 19 to 21 and Page 6, Lines 1 to 6]; and
- (iii) Amends HRS §6E-42 to allow the issuance of permits or project approvals by limiting further historic preservation reviews once SHPD has provided written concurrence, unless there are significant changes to the project [Page 7, Lines 11 to 20]; and

- (iv) Amends HRS §6E-42 to allow programmatic reviews for transit-oriented development, including a review of potential risk of impacts to historic properties [Page 8, Lines 5 to 20, and Pages 9 to 12].

#### General Comments

HCDA is providing some general comments and suggestions for consideration.

- Indicate that the timeline refers to calendar days, for clarity.
- For projects where no historic properties are to be affected, a shorter timeline for SHPD review, such as 30- or 45-calendar days, could be reasonable.
- If projects move forward without department concurrence or non-concurrence, compliance with HRS §6E-1 for projects where there are potential effects to historic properties may be strengthened by the submission of historic preservation review documentation to SHPD. Some potential language that could apply to §6E-8, §6E-10, and §6E-42:

If the department does not provide written concurrence or non-concurrence within ninety calendar days, or within thirty calendar days if no historic properties are to be affected, then the department is presumed to concur with the agency or officer's submittal. The agency or officer may then proceed with the project, provided that it notifies the department of such action in writing and provides documentation of the historic preservation review that complies with §6E-1, including the evaluation of effects to historic properties and any mitigation or other measures to resolve such effects.

- The initiation of the 90-day (or other) review period could be tied to the submission of the project's documentation into SHPD's Hawai'i Cultural Resource Information System (HICRIS), its successor, or some alternate means of entry.
- The 90-day (or other) review period should encompass any requests for additional information by SHPD. The 90-day (or other) review period should not necessarily reset upon the request for additional information. A longer "deemed approved" duration, such as 180-days, may achieve this end.
- The use of a risk-based rating for potential impacts to historic properties could also be useful for other areas outside of transit-oriented development zones.
- HCDA would potentially be interested in also taking advantage of any programmatic review processes for its community development districts.

Thank you for the opportunity to provide comments.



**DEPARTMENT OF PLANNING AND PERMITTING**  
**KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE**  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813  
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RICK BLANGIARDI  
MAYOR  
MEI'A



DAWN TAKEUCHI APUNA  
DIRECTOR DESIGNATE  
PO'O

BRYAN GALLAGHER, P.E.  
DEPUTY DIRECTOR  
HOPE PO'O

REGINA MALEPEAI  
2<sup>ND</sup> DEPUTY DIRECTOR  
HOPE PO'O KUALUA

February 4, 2025

The Honorable Stanley Chang, Chair  
and Members of the Committee on Housing  
Hawai'i State Senate  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, Hawai'i 96813

**Subject: Senate Bill 1263**  
**Relating to Historic Preservation**

Dear Chair Chang and Committee Members:

The Department of Planning and Permitting provides **comments** regarding Senate Bill No. 1263, relating to historic review. We support the intent of the Bill to expedite review of areas with a low risk of historically significant resources. We believe certain sections could be modified for clarity and efficiency.

**Expedited Review** (Amends Hawaii Revised Statutes (HRS) §6E-42)

- The proposed language creates a process for expediting the review of residential projects on parcels in transit-oriented development (TOD) zones that have a low risk of affecting historically significant resources. This process appears to place the responsibility to identify historic properties, assess their significance and potential impacts, and propose mitigation on the counties, rather than the developers. It is the duty of those proposing a project to do their due diligence in scoping out and assessing impacts as a result of the development. The proposed language also appears to place a burden on the State Historic Preservation Division (SHPD) to review and create a specific process for this narrow category of projects. This could further strain the SHPD's limited resources, while their staff time could be better spent on project review. We recognize the intent to help expedite housing development, and we believe any changes should ensure that developers continue to be responsible for assessing potential impacts on and proposing mitigation measures for historic properties.

**Agency Determination and 90-Day Review** (Amends HRS §6E-8)

- The proposed bill adds language to specify the agency's responsibility to render a determination on the potential effect of a project. These changes create a 90-day limit to concur or not concur with a project effect determination. While we agree with the intent of this proposal, it is likely to have little impact on projects that fail to properly identify and assess impacts to historic properties, as agencies that submit inadequate information for review will continue to be rejected. Pursuant to Hawaii Administrative Rules Chapter 13-275-3(a), "upon receipt of **adequate** information the department will provide a determination letter within ninety days." It is the responsibility of the agency to provide information that identifies any historic properties within the project area, as well as their significance, the impact of the proposed project on historic properties, and any proposed mitigation measures. Clarifying the agency's role in the review process will help ensure that agencies take full responsibility for providing complete and accurate information, which will streamline the process and reduce delays. By establishing clearer expectations for what constitutes *adequate* information, we can foster more efficient and effective collaboration between agencies and the SHPD, ultimately helping to protect historic properties while allowing for timely project approvals.

**Exempt from Further Review** (Amends §6E-8, -10, and -42)

- The proposed language stipulates that further review is not required unless there is a significant change to the project's scope or additional historic properties are identified. If there are any changes to the project or additional historic properties are identified, there are existing processes for that review to occur in a timely manner. Again, it is the responsibility of the agency or landowner to be proactive in submitting determinations to the SHPD, and if there are already agreed upon mitigation measures then the agency or landowner are responsible to explain why the changes will still comply with those commitments.

Thank you for the opportunity to testify.

Very truly yours,



Dawn Takeuchi Apuna  
Director Designate



**Hawai'i YIMBY**  
Honolulu, HI 96814  
hawaiiyimby.org  
info@hawaiiyimby.org

February 4, 2025

Senate Committee on Housing  
Hawai'i State Capitol  
Honolulu, HI 96813

**RE: SUPPORT for SB 1263 - RELATING TO HISTORIC PRESERVATION**

Aloha Chair Chang, Vice Chair Hashimoto, and Members of the Committee,

On behalf of Hawai'i YIMBY, we are writing in **support of SB 1263** which would create an expedited review process for residential Transit Oriented Development on parcels that have low risk of cultural or historical significance.

We believe in streamlining permitting. Combining, simplifying or removing layers of regulation that slow the permitting process for housing is important. With regard to cultural and historical reviews, there are many places of significance that are very deserving of preservation. However, there are many areas in the state that do not have any historic significance and should not be subject to the same type of rigorous review. Many of our county-designated TOD districts have areas that are already highly developed with low risk of affecting historical resources. Additionally, including a 90 day time-limit for determination of a project's effect will help prioritize TOD developments and not create a permanent barrier due to a backlog.

In the ongoing conversation around the housing crisis, both supporters and opponents of housing development say that housing should go along the rail, it is time to increase the stock of dense housing in areas served by transit.

Hawai'i YIMBY (*Yes In My Backyard*) is a volunteer-led grassroots advocacy organization dedicated to supporting bold and effective solutions for Hawai'i's devastating housing crisis. Our members are deeply concerned about Hawai'i's chronic and worsening housing



**Hawai'i YIMBY**  
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shortage, which has caused home prices to rise much faster than incomes and pushes thousands of kama'āina out to the mainland or into homelessness every single year.

We ask your support for this bill. Thank you for the opportunity to testify.

Sincerely,  
Damien Waikoloa  
Chapter Lead, Hawai'i YIMBY

Edgardo Díaz Vega  
Chapter Lead, Hawai'i YIMBY





# holomua

COLLABORATIVE

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## OUR MISSION

To support and advance public policies that make Hawai'i affordable for all working families.

## OUR VISION

Collaborative, sustainable, and evidence-based public policies that create a diverse and sustainable Hawai'i economy, an abundance of quality job opportunities, and a future where all working families living in Hawai'i can thrive.

---

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Page 1 of 2

**Committee:** Senate Committee on Housing  
**Bill Number:** SB 1263, Relating to Historic Preservation  
**Hearing Date and Time:** February 4, 2025, 01:00pm (Room 225)  
**Re:** Testimony of Holomua Collaborative – Support

Aloha Chair Chang, Vice Chair Hashimoto, and members of the committee:

Mahalo for the opportunity to submit testimony **in support** of SB 1263, Relating to Historic Preservation.

Hawai'i's housing crisis continues to drive local families to move to the continent. In October 2024, a survey<sup>1</sup> gathering information about the day-to-day financial experience of local workers was released and it suggests this growing crisis has the potential to reach staggering levels. When nearly 1,500 local workers were asked if they may need to move to a less expensive state, only thirty-one percent answered a definitive “no,” while sixty-nine percent said “yes” or “unsure.” And nearly two-thirds of the respondents said the cost of housing was the primary impact on their cost of living in Hawai'i. Each local worker and family we lose to the continent contributes to a loss of our economy, our culture, and our family.

To address the outmigration facing the state, we must implement policies and programs that allow for housing to be built in a manner and on a scale that is affordable and attainable for local working families. One key component of keeping our local families in Hawai'i is building housing that is affordable and attainable especially in transit-oriented development (TOD) districts.

Concurrently, the State has a responsibility to protect historic buildings and burial sites, making sure that important cultural and historic places are respected.

The State Historic Preservation Division (SHPD) is tasked with a providing a historic preservation review process to ensure the preservation of historic properties, aviation artifacts, and burial sites. Review of affordable housing units is one of SHPD's highest priorities, but reviews of such submissions are not always completed within the time provided by the administrative rules. This delay can and has resulted in the delay of housing units being built. With each day a unit is incomplete, the cost of the unit rises, and that cost is ultimately borne by the future owner.

The purpose of SB 1263 is to expedite 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, and to set a ninety-day limit to concur or not concur with project effect determinations. This bill also builds in safeguards to allow SHPD to continue its crucial roles of preserving and protecting important historical and cultural property.

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<sup>1</sup> <https://holomuacollective.org/survey/>



Page 2 of 2

Both the expedited review process and the ninety-day limit should increase the volume of housing available in TOD districts to local families. And with the safeguards afforded to SHPD in place, it will do this while honoring the land and sites in the area.

We respectfully request that you support SB 1263.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joshua Wisch', is written over a light blue horizontal line.

Joshua Wisch  
President & Executive Director

Feb 4, 2025, 1 p.m.  
Hawaii State Capitol  
Conference Room 225 and Videoconference

**To: Senate Committee on Housing**  
**Sen. Stanley Chang, Chair**  
**Sen. Troy N. Hashimoto, Vice-Chair**

**From: Grassroot Institute of Hawaii**  
**Ted Kefalas, Director of Strategic Campaigns**

RE: SB1263 — RELATING TO HISTORIC PRESERVATION

Aloha Chair Chang, Vice-Chair Hashimoto and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [SB1263](#), which would expedite historic preservation reviews for residential projects in county-designated transit-oriented development zones.

The bill would provide that if the State Historic Preservation Division fails to give written concurrence or non-concurrence on a project within the existing 90-day time frame, the project can proceed to the next phase of review.

It would also provide that if SHPD has concurred with a project's scope, the project will be exempt from further historic review unless it experiences a major change in scope or historic properties or artifacts are discovered in the project area.

Taken together, these changes could help resolve significant delays in the approval process for new housing while still maintaining protections for historic properties and artifacts.

According to the Economic Research Organization at the University of Hawai'i, Hawaii's housing regulations are the strictest in the country, and approval delays for housing developments are three times longer than the

national average among communities surveyed.<sup>1</sup> Likewise, UHERO researchers estimated that regulations comprise 58% of the cost of new condominium construction.<sup>2</sup>

The state's land-use rules are a key driver of Hawaii's housing crisis. As measured by the state's Honolulu Construction Cost Index, the cost for building single-family homes in 2024 was 2.6 times higher than the cost in 2020. For highrises, the cost was 2.5 times higher.<sup>3</sup>

Historic preservation reviews certainly play a role in these delays and their associated costs. While SHPD's average review times for projects are not readily available, the agency noted in its report to the 2023 Legislature that its archaeology reviews were taking between six months and one year, on average.<sup>4</sup> Imposing stricter timelines for SHPD reviews could help reduce these wait times.

One note relating to the expedited reviews for transit-oriented development projects: The bill specifies that only residential projects would be eligible for this process. However, because of state and county efforts to encourage mixed-use developments in TOD zones, the Committee should include mixed-use residential and commercial developments in this new process.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

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<sup>1</sup> Rachel Inafuku, Justin Tyndall and Carl Bonham, "[Measuring the Burden of Housing Regulation in Hawaii](#)," Economic Research Organization at the University of Hawai'i, April 14, 2022, p. 6.

<sup>2</sup> Justin Tyndall and Emi Kim, "[Why are Condominiums so Expensive in Hawai'i?](#)" Economic Research Organization at the University of Hawai'i, May 2024, p. 11.

<sup>3</sup> "[Quarterly Statistical and Economic Report, 4th Quarter 2024](#)," Hawaii Department of Business, Economic Development & Tourism, pp. 107-108.

<sup>4</sup> "[Report to the Thirty-Second Legislature 2023 Regular Session on the State Historic Preservation Program For Fiscal Year 2021-2022](#)," Hawaii Department of Land and Natural Resources, October 2022, p. 1.





February 4, 2025

Senator Stanley Chang Chair  
Senator Troy Hashimoto Vice Chair  
Committee on Housing

RE: **SB 1263 - Relating to Historic Preservation**  
**Hearing date: February 4, 2025 at 1:00 PM**

Aloha Chair Chang, Vice Chair Hashimoto and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii with **SUPPORT** on **SB 1263**. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

SB 1263 creates 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. Furthermore, the measure:

- Authorizes lead agencies, including county governments, to make determinations on the potential effects of a project.
- Creates a ninety-day limit to concur or not concur with project effect determinations.
- Provides that projects with written concurrence are exempt from further review unless there is a significant change to the project or additional historic properties, aviation artifacts, or burial sites are identified within the project area.

Currently, Hawaii is in a housing crisis which has been exacerbated by extensive regulatory hurdles and delays that have significantly added to the cost and risk of building housing across the state. NAIOP Hawaii supports this measure which prevents duplicative SHPD reviews of project areas and projects of substantially the same projects and project areas for subsequent projects. Expediting the department's review of residential transit-oriented development is beneficial for the critical development of housing that revitalizes neighborhoods and promotes the use of public transportation, thereby enhancing the quality of life for Hawai'i residents.

Senator Stanley Chang Chair  
Senator Troy Hashimoto Vice Chair  
Committee on Housing  
February 4, 2025  
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Furthermore, we are supportive of the 90-day limit for SHPD to provide concurrence or non-concurrence with project effect determinations. This 90-day timeframe is consistent with intent of the bill to streamline reviews and allow projects to move forward for Hawaii residents.

We appreciate the current language of the measure and would recommend an amendment to replace “scope of work” to “physical scope of work” which is defined as “the size, location, and depth of ground disturbance.” This would provide clarity for exemption and further the intent of the measure to reduce duplicative and unnecessary reviews.

NAIOP greatly supports the intent of the measure to identify a solution to the significant backlog of much needed projects awaiting SHPD review. SB 1263 will have a significant impact on the development of housing units and other projects across Hawaii. NAIOP appreciates the Legislature’s commitment to collaborating on this issue and look forward to working together.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Reyn Tanaka', with a long horizontal flourish extending to the right.

Reyn Tanaka, President  
NAIOP Hawaii

**SB-1263**

Submitted on: 1/31/2025 7:42:52 PM

Testimony for HOU on 2/4/2025 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

Historic preservation laws here are burdensome, onerous, and a major contributing factor to higher costs of living. TOD is crucial to building sustainable and peaceful communities. I urge the Committee to SUPPORT this bill!