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Preserving the past or preventing progress?

How Hawaii lawmakers can streamline the state's historic preservation review process while maintaining protections for Hawaii's history

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Executive summary

Hawaii state law has the admirable goal of protecting the state's cultural heritage as it manifests in architecture and other sites. But extensive reviews at the State Historic Preservation Division also delay much-needed new projects, especially housing.

This brief analyzes state historic review data and finds the average project experiences a wait time of 94 days. Meanwhile, the vast majority of projects reviewed by the division are determined to have no effect on historic resources.

The brief concludes by discussing several measures that the 2025 Legislature could pass to streamline reviews while maintaining protections for Hawaii's history.

Background

The State Historic Preservation Division of the Hawaii Department of Land and Natural Resources is statutorily mandated to "provide leadership in preserving, restoring, and maintaining historic and cultural property."[1]

State law requires that SHPD review all state and private construction projects to determine if they could "affect historic property, aviation artifacts, or a burial site," with limited exceptions for privately-owned single-family homes and townhomes.[2]

In order to determine whether a project is "historic property," SHPD relies on this definition provided by state law: "Any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old,"[3] with limited exemptions for single-family homes and townhomes.[4]

SHPD's goal of preserving Hawaii's cultural heritage in its built environment is noble; however, it must be balanced with other goals, including the timely completion of state and private projects, especially housing.

Unfortunately, SHPD's review process can delay critical projects. Anecdotal evidence confirms this,[5] and the agency itself acknowledged in October 2022 that reviews in its archaeology branch were taking between six months and one year, on average.[6]

Using public data from SHPD's website,[7] this brief provides detail on SHPD's average review times between 2021 and 2024. For all 2,297 projects examined, the average review time was 94 days.

In addition to the 2,297 projects examined for this analysis, SHPD issued determinations — referred to as Opinion 6E and Opinion 106 — for 2,604 projects and

[1] 6E-1 Declaration of intent, Hawaii Revised Statutes, accessed Feb. 10, 2025.
[2] 6E-8 Review of effect of proposed state projects and 6E-42 Review of proposed projects, Hawaii Revised Statutes, accessed Feb. 10, 2025.
[3] 6E-2 Definitions, Hawaii Revised Statutes, accessed Feb. 10, 2025.
[4] 6E-42.2 Excluded activities for privately-owned single-family detached dwelling units and townhouses, Hawaii Revised Statutes, accessed Feb. 10, 2025.
[5] Stewart Yerton, "State Agency Backlog Is Stalling Building On Maui," Honolulu Civil Beat, Oct. 29, 2024; and Greg Theilen, "What Is A Historic Property?" Honolulu Civil Beat, Aug. 24, 2022.
[6] "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.
[7] "Intake & Determinations," Hawaii Historic Preservation Division, accessed Feb. 10, 2025.

received 5,932 applications, which indicates that the agency reviewed just 43.9% of all projects it received during that time period.

The data

Below, Table 1 shows the average review times for projects based on the statute under which the project was reviewed. Table 2 shows the average SHPD review times for projects subject to multiple statutes. Appendix A contains more information on the data sources.

Table 1: State Historic Preservation Division average review times, in days

Statute	Statute description	Projects reviewed	Average review time
HRS 6E-3	Historic preservation program	43	39
HRS 6E-7	State title	9	132
HRS 6E-8	State projects	325	124
HRS 6E-10	Private projects on register of historic places	32	123
HRS 6E-42	Proposed projects	1,451	73
HRS 6E-43	Burial sites	1	422
HRS 6E-43.6	Inadvertent discovery of burial sites	3	612
HRS 343	Environmental impact statements	26	86
NHPA Section 106	National Historic Preservation Act of 1966	199	110
Total		2,089	86

Source: "Intake & Determinations," Hawaii Historic Preservation Division, accessed Feb. 10, 2025. See the sheets for years 2021, 2022, 2023 and 2024.

Table 2: State Historic Preservation Division average review times for projects subject to multiple statutes, in days

Statutes	Projects reviewed	Average review time
HRS 343, HRS 6E-42	3	178
HRS 343, HRS 6E-8	1	30
HRS 343, NHPA Section 106	1	996
HRS 6E-10, HRS 6E-42	24	149
HRS 6E-10, HRS 6E-42, HRS 6E-8	1	150
HRS 6E-42, HRS 6E-7, HRS 6E-8, NHPA Section 106	1	834
HRS 6E-42, HRS 6E-8	71	152
HRS 6E-42, HRS 6E-8, NHPA Section 106	6	204
HRS 6E-42, NHPA Section 106	27	137
HRS 6E-7, HRS 6E-8	5	210
HRS 6E-8, NHPA Section 106	68	197
Total	208	175

Source: "Intake & Determinations," Hawaii Historic Preservation Division, accessed Feb. 10, 2025. See the sheets for years 2021, 2022, 2023 and 2024.

Tables 3 and 4 show SHPD determinations for each project. Proposed building projects are assigned as affecting or having no effect on historic properties. The vast majority of projects reviewed were determined to fall into the latter category.

Table 3: Determinations for projects reviewed under Hawaii Revised Statutes

Determination	Projects reviewed	Percent
Effect	205	9.6%
No effect	1,928	90.4%

Source: "Intake & Determinations," Hawaii Historic Preservation Division, accessed Feb. 10, 2025. See the sheets for years 2021, 2022, 2023 and 2024.

Table 4: Determinations for projects reviewed under the National Historic Preservation Act

Determination	Projects reviewed	Percent
Effect	8	2.9%
No effect	269	96.4%
Other[8]	2	0.07%

Source: "Intake & Determinations," Hawaii Historic Preservation Division, accessed Feb. 10, 2025. See the sheets for years 2021, 2022, 2023 and 2024.

[8] Two projects were tagged as "foreclosure"

A growing number of projects

Because many of Hawaii's structures were built in the construction boom of the 1950s, '60s and '70s, SHPD is facing a growing number of projects that could be subject to its review.

The Hawaii Information Service's Multiple Listing Service indicates that there are 13,858 parcels in the commercial, industrial, and hotel and resort property tax classes improved with commercial structures across each of the four counties. Table 5 shows the number with at least one structure built during a certain time period.

Table 5: Non-residential structures, by construction date

County	Structures built 1970 or before	Structures built 1980 or before	Total structures
Hawaii	847	1,349	2,516
Honolulu	3,746	5,522	8,583
Kauai	416	510	1,111
Maui	444	669	1,648
Total	5,453	8,050	13,858

Source: Hawaii Information Service database, accessed Feb. 10, 2025. Figures may exceed 100% because some parcels in a given tax class have multiple buildings with multiple construction dates, resulting in double counting. A subscription is needed to access the data.

Meanwhile, Table 6 indicates the number of improved parcels with at least one living unit that are not classed as commercial, industrial or hotel and resort.

Table 6: Residential structures, by construction date

County	Structures built 1970 or before	Structures built 1980 or before	Total structures
Hawaii	12,442	26,695	66,193
Honolulu	94,393	162,014	249,709
Kauai	4,529	10,860	22,968
Maui	9,432	25,828	55,584
Total	120,797	225,398	394,455

Source: Hawaii Information Service database, accessed Feb. 10, 2025. Figures may exceed 100% because some parcels in a given tax class have multiple buildings with multiple construction dates, resulting in double counting. A subscription is needed to access the data.

Because so many structures were built between 1970 and 1980, SHPD could see the number of projects it reviews increase significantly in coming years, as more structures deteriorate in quality and age into the 50-year standard for historic property.

Legislation

Several pieces of legislation have been introduced during the 2025 Legislature to address these delays.

>> HB737 would change the definition of "historic property" to cover structures, objects or sites that are more than 50 years old only if they meet the criteria to be placed on the Hawaii Register of Historic Places or have important value because of cultural practices associated with the site.

>> HB533/SB578 would also change the definition of "historic property," replacing the 50-year standard with a standard that the structure, object or site be "included on, or eligible for inclusion on, the national register of historic places or Hawaii register of historic places."

>> HB830/SB575 would require SHPD to contract with qualified third-parties when the agency becomes unable to review the project within 60 days.

>> SB1002 would require SHPD to contract with qualified third-parties when the agency becomes unable to review the project within 60 days, if the project is an affordable housing project.

>> HB738/SB1263 would create an expedited review process for projects proposed in transit-oriented development areas. It would also impose a 30-day limit for the agency to give a determination on projects believed to have no effect on historic properties and a 90-day limit for projects that are estimated to affect historic properties.

Conclusion

Nothing in this report should be taken as a slight against SHPD leadership or staff; however, it is clear the agency is receiving far more projects than it can process, and that reform is necessary to ensure a reasonable working environment at SHPD and a faster determination process.

The data presented in this report indicates that the chronic delays in approving state and private projects will only worsen as more properties age into the definition of "historic." The issue must be addressed to ensure timely delivery of critical infrastructure and much-needed housing.

Appendix A: The data

The data in this report was obtained from SHPD's intake and determination reports, which are public record and posted to the agency's website.

The data cover applications submitted between 2021 and 2024. Because of this, the review times calculated in this report should be viewed as a conservative estimate of how long historic preservation review takes. For instance, numerous projects that received a determination during this time period were submitted prior to 2021.

For the purposes of assessing whether a project was listed as having an effect on historical properties, the report includes the tags "No historic properties affected" and "No adverse effect."

For projects determined to have had an effect, the tags are "Adverse effect," "Effect, with proposed mitigation commitments" and "Effect, with agreed mitigation commitments."

There were 115 projects with determinations under both "Opinion 6E" and "Opinion 106," causing the total number of entries in these tables to exceed the sample size of 2,297.

For 97 projects, the statute(s) under which the application was submitted and the statute(s) under which the project was issued a determination did not match. In these instances, the statute under which the determination was issued was used to sort the projects into categories for the purpose of establishing an average wait time.

In addition, there were several data quality issues with SHPD's reports, including inconsistent reporting of statutes under which projects were reviewed and application and determination dates that were inaccessible because of formatting errors. As such, the information in this report should be understood as an informed estimate and not an exact figure.

The Hawaii Information Service data can be accessed only via subscription. Due to some parcels having dwellings or commercial structures built in different decades, there might be some double-counting in the data and totals could equal more than 100%.