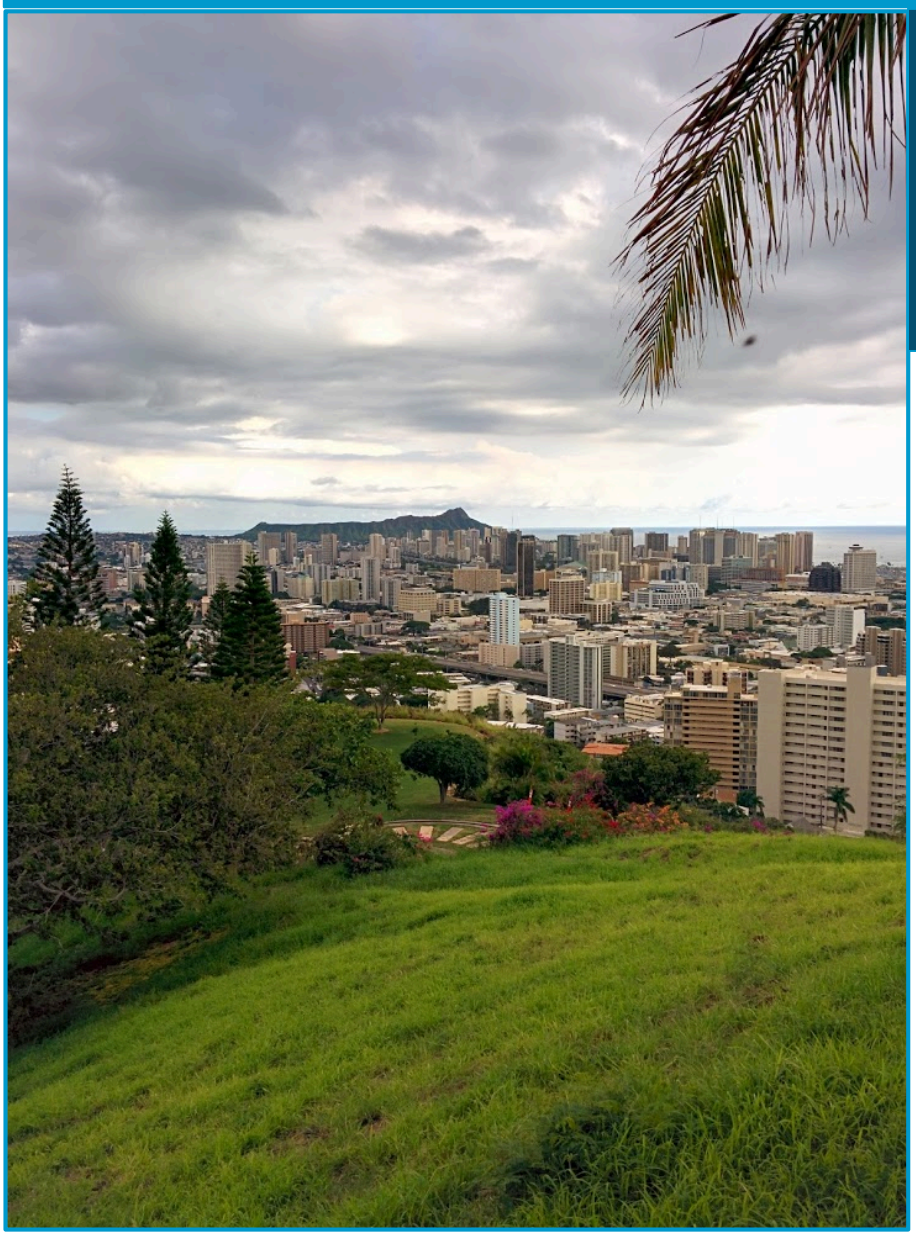
6E REVIEW GUIDANCE DOCUMENT



A Brief Introduction to the HRS 6E Review Process

Hawaii State Historic Preservation Division

Architecture Branch

601 Kamokila Boulevard, Room 555

Kapolei, HI 96707

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What is HRS 6E?

Hawaii Revised Statutes 6E is the state of Hawaii's historic preservation law. The law was passed by the legislature in 1976 with the intent of promoting the use and conservation of historic properties for the education, inspiration, pleasure and enrichment of its citizens. The review and compliance portion of the law requires that permits on publicly and some privately owned properties over 50 years of age be reviewed by the State Historic Preservation Division. The purpose of this review is to both identify historic resources and to avoid or mitigate potential negative affects to them.

Types of HRS 6E Review

There are three types of HRS 6E Review:

- **6E-8: Publicly owned properties over 50 years old**
- **6E-10: Privately owned properties listed on the Hawaii or National Registers of Historic Places**
- **6E-42: Privately owned properties over 50 years old, with the exception of single family residences or townhomes not listed on the Hawaii Register of Historic Places**

§6E-8 Review

HRS 6E-8 applies to state and county agencies. The 6E-8 process requires the agency to notify SHPD of all projects involving historic properties and get the division's concurrence before it is commenced. **SHPD then has 90 days to concur or not concur with the proposed project.**

§6E-10 Review

HRS 6E-10 applies to privately owned properties listed on the Hawaii or National Registers of Historic Places. 6E-10 requires owners to notify SHPD of all projects on listed properties and get the division's concurrence before it is commenced. **SHPD then has 90 days to concur or not concur with the proposed project.**

§6E-42 Review

HRS 6E-42 applies to privately owned properties over 50 years old, with the exception of single family residences or town homes not listed on the Hawaii or National Registers of Historic Places. Most often, SHPD reviews these projects when county permitting agencies believe the proposed project has the potential to affect a historic property. The county permitting agency will then require SHPD to review and comment on the project. **SHPD then has 45 days to comment on the project.**

Does my project need to be reviewed by SHPD?

If you are a government Agency:

SHPD needs to review your project if it involves or has the potential to affect historic properties. If you are not sure if historic properties are on your site, you can find a list of registered properties on our website or contact SHPD staff for help. County permitting agencies may also flag your project for SHPD review.

If your property is listed on the Hawaii or National Register:

Contact SHPD if you your project has the potential to permanently alter the listed site, structure, object, district or building. You should contact the division during planning stages to allow for a straightforward review. County permitting agencies may also flag your project for SHPD review.

All Other §6E Reviews:

You only need to come to SHPD when your project has been flagged by a county permitting agency.

Recent Changes:

- The Hawaii State Legislature passed Act 224 in 2015, which exempts non-ground disturbing projects on non-listed single family residences and townhomes from review.
- Last year, SHPD created a list of projects that no longer require review. The list can be found on the following page.
- You can submit projects to SHPD via email at dlnr.intake.shpd@hawaii.gov

Projects Determined to Have No Potential to Affect Historic Properties

SHPD recently examined its data derived from the review of §6E-42 permits and determined that certain project have no potential to affect historic properties and thus do not meet the standard for review set by §6E. The division has advised the counties not to submit such projects to SHPD for review and comment under §6E-42. SHPD will continue to review all §6E-8 and §6E-10 permits and all Section 106 projects.

Solar and mechanical projects including…

- Installation of Solar/PV/Photovoltaic systems on existing buildings, dwellings and carports
- Installation of electrical meters on existing structures
- Interior electrical upgrades
- Interior plumbing upgrades

Demolition of detached structures and additions including…

- Demolition of detached structures which are less than 50years old
- Demolition of additions to historic structures when such additions are less than 50 years old if no new addition is proposed in its places

Interior repairs and alterations including…

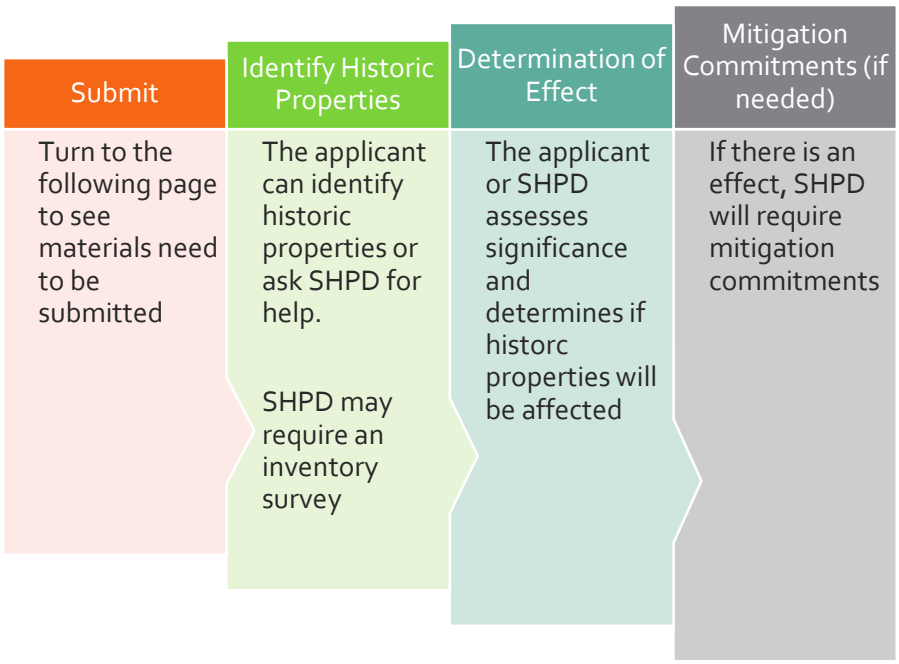
- Interior unit and office renovations for mid- and high-rise buildings
- Interior modifications to stores or restaurants in strip malls
- In-kind repairs of interior architectural features including doors, siding and cabinets
- Bathroom and kitchen renovations that do not include changes to the building exterior

Exterior repairs and alterations including…

- In-kind repairs of exterior architectural features including doors, windows, siding, fascia and decking
- In-kind repairs to carports and garages
- The enclosure of existing rear lanai that will not destroy historic materials or features

Miscellaneous projects including…

- Emergency repairs to structures caused by natural or man-made disasters
- Structures destroyed by fire or other calamities where damage exceeds 50% of the structure Antenna and satellite dish replacements on existing towers and structures not subject to FCC permits (subject to Section 106 review).



Review Process

How do I submit my project and what do I need?

To submit a project, please provide the following:

- **6E Submittal Form**
  - The 6E submittal form can be found in the "Forms" section of the SHPD website or in the SHPD office. The form will not be accepted if it is not filled out completely. Please write "N/A" where questions do not apply.
  - Include an email address and/or a mailing address where we may send a copy of your completed review. Please include everyone that needs a copy of the letter.
- **Plans**
  - Both professionally drawn architectural/construction blueprints and sketch plans of the proposed work are acceptable.
- **Photos**
  - Representative photos of the exterior and interior of the structure and site photos are required for review. Exterior photos should include all four sides of the subject structure. Interior and site photographs should include all areas where the proposed work will take place. **Google maps photos are not acceptable.**
- **Building Permit Application (if applicable)**
- **Scope of work**
  - A brief scope of work explaining what the project includes will help expedite the review process.

Submittals must be complete, partial submittals will **not** be accepted. Projects may be submitted by email to DLNR.Intake.SHPD@hawaii.gov, hand delivered to our office, or by mail to the State Historic Preservation Division, 601 Kamokila Blvd. Suite 555, Kapolei, Hawai'i 96707

How to Photograph my Project and Project Area

SHPD requires photos be submitted with your review packet in order for the reviewers to become familiar with a property. Most reviews concern single family dwelling unknown to SHPDs reviewers. The reviewers need clear photographs of the property in order to determine if it is potentially eligible for the Hawaii or National Registers of Historic Places. Photos help reviewers identify unique architectural elements on buildings and important components of a building's history.

The number of photographic views depends on the size and complexity of the property. Submit as many photographs as needed to depict the current condition and significant aspects of the property if any. Please include photographs of the following:

- Photographs of the site of the proposed project
- One or more photographs depicting the conditions of the site
- One or more photographs of the front façade of the building
- Photographs of the sides and rear of the building
- One or more representative photographs of important interior spaces
- Outbuildings, landscaping, or unusual details if applicable

Colored or black and white photographs can be submitted with your review packet physically or digitally.

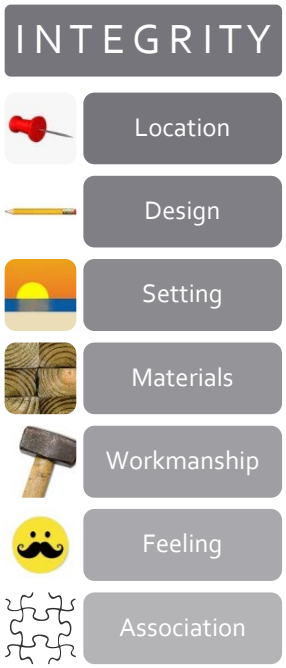
Identification of Historic Properties

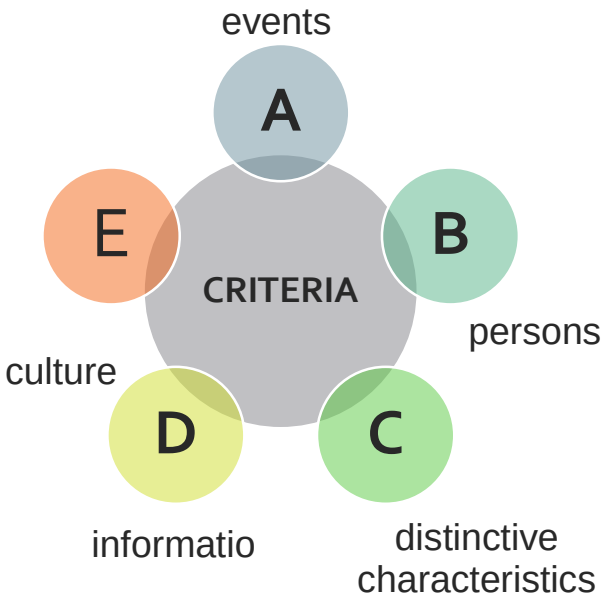
Historic properties can be identified two different ways. The state or local agency can identify the historic properties, or the agency can contact SHPD to see if an inventory survey has been completed. If no inventory exists for the property, and historic properties could be present, SHPD may ask for an inventory survey.

If historic properties are found, or are known to exist, SHPD will proceed to the next step of the review process. The review process is complete If SHPD concludes that there are no historic properties and makes a "no historic properties affected" determination.

Evaluation of Significance

The applicant will make an evaluation of significance or delegate that responsibility to SHPD. In order to be significant the property must possess the following aspects of integrity and criteria of significance:





Determining Effects to Significant Historic Properties

The applicant is responsible for making the determination of effect. SHPD will either concur or not concur with the determination. If SHPD concurs with the determination that no historic properties will be affected, review ends. However, if historic properties will be affected, mitigation commitments must be proposed.

Mitigation Commitments

If there will be an affect to a historic property, then a mitigation commitment proposing the form of mitigation to be undertaken for each significant historic property. If the mitigation is appropriate, SHPD will send a mitigation letter. The review will be complete when all mitigation is accepted by SHPD.

Frequently Asked Questions

When was 6E created?

6E was created by the Hawaii State Legislature in 1976 for the purpose of promoting the use and conservation of historic properties for the education inspiration, pleasure and enrichment of its citizens.

Why is my permit being routed to SHPD?

HRS 6E states that, "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 propose project."

SHPD generally reviews projects through building permits. As the law states above, counties must send SHPD a permit any time they think there may be a possibility that a historic property will be affected. Whenever an agency sends SHPD a permit, staff must review and comment on the project.

What is SHPD Architecture looking for when they review a project?

SHPD is looking to see if there are any historic properties, if those properties are eligible for the Hawaii and National Registers of Historic Places, and if the proposed project will negatively affect the property. Eligibility for the Hawaii and National Registers is based on four Criteria.

Criterion A applies to properties that are associated with single events, such as the founding of a town, or with a pattern of events, repeated activities or historic trends, such as the gradual rise of a port city's prominence in trade and commerce.

Criterion B applies to properties associated with individuals whose specific contributions to history can be identified and documented as important within a local, state or national historic context.

Criterion C applies to structures that embody a distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic value; or represent a significant and distinguishable entity whose components may lack individual distinction.

Criterion D applies to properties that must have, or have had, information to contribute to our understanding of human history or prehistory. This information must be important.

How do I submit my project?

Please see the "How to Submit a 6E Review" section of this document.

How long do reviews take?

SHPD's administrative rules allow the division 30 days to review 6E-42 projects and 90 days to review 6E-8 and 6E-10 projects. However SHPD Architecture reviews frequently take one to two weeks.

My house is old and I never had to do this type of review before, why do I have to now?

There are several possibilities. The last time work was previously done, the structure might not have been 50 years old. Or, recent projects near your dwelling might have unearthed archaeological or cultural properties.

My property was previously reviewed and there was a finding of *no historic properties affected.* Why does my property need to be reviewed again?

Whenever a permitting agency requires SHPD review, staff must review and comment on the project. The division might be required to comment on the same property again whenever there has been a significant change on the property, or when the project has the potential to affect different resources on the property.

For example, say SHPD reviewed the demolition of a dwelling and determined that *no historic properties would be affected* in the demolition. Now the owner wants to build a new two story dwelling on the same property, and the county planning agency is requiring SHPD review again. When new buildings are constructed, there is ground disturbance and the property needs to be reviewed for its potential to impact archaeological or cultural resources.

Does SHPD issue permits or approve them?

SHPD neither issues nor approves permits. HRS 6E mandates that SHPD review and comment on projects that may affect historic properties. However, there are different levels of review. For publicly owned projects (6E-8) and projects on listed properties (6E-10), SHPD must concur with the project in order for the permit to be issued. For privately owned projects (6E-42), SHPD may comment on the project. If any of these project affect a historic property, SHPD can ask for mitigation.

My house is not 50 years old, why does it need to be reviewed?

County agencies generally flag historic properties by parcel number or TMK. Whenever there are multiple structures on one parcel, and one structure is over 50 years old, the whole parcel is tagged as historic. SHPD architecture will not review projects on structures under 50 years old. However, if there is ground disturbance, SHPD's Archaeology Branch will review the project.

What can I do to my house if it is listed?

Properties listed on the register undergo the same review process that is required for all historic properties. The only difference is that SHPD is supposed to review the project prior to obtaining permits, and SHPD has to concur with the project before it moves forward. SHPD bases the reviews on listed properties on the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, which outline how work should be done on historic properties. The guidelines can be found on SHPD's website under Architecture subsection or the National Park Service website.

Does listing my house mean I cannot tear it down?

Listing on the Hawaii or National Registers does not save the property from being torn down. However, this would constitute an *adverse effect* and would have to be mitigated. Additionally, if the property owner was receiving a county historic tax credit, they would have to pay back taxes on the property.

Where can I found out if my house is listed?

An updated list of properties on the Hawaii and National Registers can be found on SHPD's website under the Architecture subsection. Historic Hawaii Foundation has digital copies of Hawaii Register nominations, and the National Park Service website has digital copies of National Register nominations. Original copies of nominations can be found at SHPD's office in Kapolei.