

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N.S. CHANG
Chairperson

Before the House Committee on
WATER & LAND

Tuesday, January 28, 2025
9:00 AM
State Capitol, Conference Room 331

In consideration of
HOUSE BILL 331
RELATING TO PERMITS

House Bill (HB) 331 proposes to establish an exemption from applicable county permit requirements for repetitive construction projects for facilities under the control of any state department or agency, under certain conditions. HB 331 further clarifies that contracts for the construction, renovation, or repair of facilities under the control of the department of education, university of Hawai'i, or school facilities authority shall be exempt from county permitting requirements that related off-site improvements be made by the contracting government agency as a condition to the issuance of any permit. **The Department of Land and Natural Resources (Department) acknowledges the intent of this measure and offers the following comments and suggested amendments.**

The State and counties are participating communities in the National Flood Insurance Program (NFIP) and are subject to compliance with federal regulations set forth with the National Flood Insurance Act of 1968 (42 U.S.C. §§4001). Pursuant to 44 CFR § 60.3, all proposed development and subdivisions encroaching within Special Flood Hazard Areas (SFHA) identified as "A" or "V" type flood zones on the Federal Emergency Management Agency's Flood Insurance Rate Maps must be reviewed for floodplain management compliance and issued a building and/or development permit prior to construction by the applicable community official.

Any State or county law that is not consistent with the NFIP may jeopardize continued eligibility and participation in the program. *See* 44 CFR § 59.24. The unintended consequences of program suspension, include the following:

- No federal flood insurance can be sold or renewed in non-participating communities. The Federal government requires flood insurance for all buildings located in a SFHA secured with a federally backed loan.
- Certain forms of federal disaster assistance, including mitigation grants, will not be available in the event of a Presidential Disaster Declaration.

Furthermore, unregulated and/or noncompliant development within floodplains increase the risk to life and property from flooding.

The Department recommends page 3, lines 3-10 be amended to read as follows:

"§103-39.5 Construction, renovation, or repair of school facilities; county permit exemption. Provided that the project is not within a Special Flood Hazard Area as identified on the current Federal Emergency Management Agency's Flood Insurance Rate Maps, Any contract for the construction, renovation, or repair of ~~[public school]~~ facilities under the control of the department of education, university of Hawaii, or school facilities authority shall be exempt from any county requirement ~~[of a county]~~ that related off-site improvements be made by the contracting government agency as a condition to the issuance of any permit."

Mahalo for the opportunity to provide testimony offering comments and amendments on this measure.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Water and Land
January 28, 2025 at 9:00 a.m.

By

Jan Gouveia

Vice President for Administration
University of Hawai'i System

HB 331 – RELATING TO PERMITS

Chair Hashem, Vice Chair Lamosao, and Members of the Committee:

Thank you for the opportunity to submit testimony in support of HB 331.

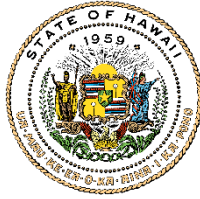
HB 331 establishes an exemption from any county permit requirement for certain routine, repetitive, and minor repair and maintenance construction projects for facilities under the control of any state department, except for any floodplain management requirements or standards. It further precludes the counties from requiring any off-site improvements for any contract for the construction, renovation or repair of facilities under the control of the Department of Education, University of Hawai'i or School Facilities Authority.

The University of Hawai'i appreciates the intent of the measure and looks forward to working with the respective counties on its implementation.

Thank you for the opportunity to testify in support of HB 331.

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

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LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WATER AND LAND
Tuesday, January 28, 2025
9:00AM
House Conference Room 411 & Via Videoconference

In consideration of
HOUSE BILL 331
RELATING TO PERMITS

House Bill 331 establishes an exemption from applicable county permit requirements for any state department or agency for repetitive construction projects to accelerate the timeline for essential repairs and improvements to facilities under the control of any state department or agency while addressing critical infrastructure needs. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

Chapter 6E, HRS, sets forth the framework for a comprehensive statewide historic preservation program in Hawai'i. A key part of that program is the historic preservation review of projects that have the potential to affect historic properties, as required by sections 6E-8, 6E-10, 6E-42, and 6E-43, HRS. Facilities under the control of a State department or agency may be required to submit a project to the Historic Preservation Division multiple times in order to satisfy the historic preservation review provisions found throughout Chapter 6E, HRS. Exempting facilities under the control of any State department or agency, as outlined within the proposed bill, would also indirectly exempt such projects from historic preservation review under section 6E-42, HRS, which would minimize the number of times a project would be subject to historic preservation review, in accordance with Chapter 6E, HRS. Furthermore, the project types that are exempted by this bill fall under the Secretary of the Interior Standards for the Treatment of Historic Properties and best preservation practices and have low or no chance of effecting historic properties.

Mahalo for the opportunity to provide testimony on this measure.

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 01/28/2025

Time: 09:00 AM

Location: 411 VIA VIDEOCONFERENCE

Committee: House Water & Land

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: HB 0331 RELATING TO PERMITS.

Purpose of Bill: Establishes an exemption from applicable county permit requirements for repetitive construction projects for facilities under the control of any state department or agency, under certain conditions. Clarifies that contracts for the construction, renovation, or repair of facilities under the control of the department of education, university of Hawaii, or school facilities authority shall be exempt from county permitting requirements that related off-site improvements be made by the contracting government agency as a condition to the issuance of any permit.

Department's Position:

The Hawaii State Department of Education (Department) appreciates the opportunity to provide comments on HB 331.

The Department appreciates the intent of the proposed bill; however, the Department requests greater specificity on the term "repetitive construction projects". The Department recommends that repetitive construction projects be limited to one-for-one replacements and minor repair and maintenance that do not increase the plumbing and/or electrical demand and do not require engagement with external agencies.

Thank you for this opportunity to provide comments on HB 331.

JOSH GREEN, M.D.
GOVERNOR



RIKI FUJITANI
EXECUTIVE DIRECTOR

STATE OF HAWAII
SCHOOL FACILITIES AUTHORITY
2759 S. KING STREET, ROOM H201
HONOLULU, HAWAII 96826

House Committee on Water and Land

Tuesday, January 28, 2025
9:00 a.m.
Hawaii State Capitol, Room 411

House Bill 331, Relating to Permits

Dear Chair Hashem, Vice Chair Lamosao, and Members of the Committee:

The School Facilities Authority (SFA) **supports the intent** of House Bill 331, which would establish an exemption from applicable county permit requirements for repetitive construction projects for facilities under the control of any state department or agency, under certain conditions, and clarify that contracts for the construction, renovation, or repair of facilities under the control of the Department of Education (DOE) or SFA shall be exempt from county permitting requirements that related off-site improvements be made by the contracting government agency as a condition to the issuance of any permit.

We believe this measure could help streamline the SFA's prekindergarten expansion program. Part of SFA's prekindergarten expansion efforts include renovating existing DOE classrooms into public prekindergarten classrooms. This bill would clarify that county permits are not needed for these kinds of projects, potentially making the prekindergarten classroom renovations more efficient.

Thank you for this opportunity to testify.

Sincerely,

Riki Fujitani
Executive Director

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI
CITY AND COUNTY OF HONOLULU**

630 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96843
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DEPUTY MANAGER
HOPE MANAKIA

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KĒHAULANI PU'U
EDWIN H. SNIFFEN, Ex-Officio
GENE C. ALBANO, P.E., Ex-Officio

January 28, 2025

The Honorable Mark J. Hashem, Chair
The Honorable Rachele F. Lamosao, Vice Chair
and Members
Committee on Water and Land
House of Representatives
Hawai'i State Capitol, Room 411
Honolulu, Hawai'i 96813

Dear Chair Hashem, Vice Chair Lamosao and Members:

SUBJECT: House Bill 331: Relating to Permits

The Honolulu Board of Water Supply (BWS) is opposed to House Bill (HB) 331, which establishes an exemption from applicable county permit requirements for repetitive construction projects for facilities under the control of any state department or agency, under certain conditions.

The term "repetitive" construction is broad and should be defined. The BWS has concerns regarding exempting repetitive construction projects for facilities under the control of the Department of Education, University of Hawai'i, or School Facilities Authority ("state facilities"). The City's building permit review process ensures that any cross-connection control hazards are identified on the construction plan and are properly addressed. The review process is intended to ensure that the existing backflow prevention assemblies for the proposed project are tested and functioning properly as part of BWS's annual backflow prevention assembly testing program.

The BWS review process includes ensuring these state facilities have adequate off-site fire protection and water pressure from our water system. For older school buildings, adequate fire protection may be an issue. Thus, the main concern would be the water system availability and assessing impact fees without a permitting process.

Thank you for your consideration and the opportunity to testify in opposition on HB 331.

Very truly yours,

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

HB-331

Submitted on: 1/26/2025 10:46:41 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
De Austin	Individual	Support	Written Testimony Only

Comments:

Alohahiiaka, members of the House Water and LandCommittee,

Please support this bill. It is my understanding that passage of this bill will eliminate "the permitting process for repetitive construction projects for state departments and agencies will also accelerate the timeline for essential repairs and improvements, addressing critical infrastructure needs more efficiently across the State".

As a DOE employee and classroom teacher, this is most welcomed.

Our school facilities are in need of near-constant minor repairs to due to the typical high-traffic use of 400+ students in many schools, and sometimes 1000+ in others. The facilities managers are tied to following rules which may apply in somebuilding contracts, but should not be applied to daily or periodic maintanence needs.

Please support this bill.

Respectfully,

D. Austin

Kihei, Maui

HB-331

Submitted on: 1/27/2025 4:17:53 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel C. Smith	Individual	Support	Written Testimony Only

Comments:

I support HB331 for the reasons and purposes described in Section 1. As the bill states, “Eliminating the permitting process for repetitive construction projects for state departments and agencies will also accelerate the timeline for essential repairs and improvements, addressing critical infrastructure needs more efficiently across the State.”

Daniel C. Smith

Pearl City