



OFFICE OF PLANNING STATE OF HAWAII

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DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
SENATE COMMITTEE ON WATER AND LAND
Friday, March 19, 2021
1:00 PM
Via Videoconference

in consideration of
HB 497, HD 1
RELATING TO COUNTY ZONING ORDINANCES.

Chair Inouye, Vice Chair Keith-Agaran, and Members of the Senate Committee on Water and Land:

The Office of Planning (OP) offers **comments** on HB 497, HD 1 which amends the county zoning law of Hawaii Revised Statutes (HRS) § 46-4, to prohibit the counties from requiring, as part of a county zoning ordinance or county rule, a developer with more than one residential unit to obtain the approval of any State agency unless that approval is expressly required by law, and to void any county zoning ordinance or rule in conflict with this subsection to any such development. HD 1 changes the effective date of the bill.

We understand that this bill is intended to address the deep economic downturn caused by COVID-19, providing additional economic and housing opportunities for the State's residents by addressing inefficiencies in the permitting and regulatory process between the counties and various State agencies. However, we believe that this measure may not result in much streamlining or cost savings, as there are very few, if any, State agency development approvals that are not required by law. There may also be unintended consequences resulting from frustration with safeguards adopted and established to protect public health, safety, and Hawaii's unique cultural and natural resources.

Thank you for this opportunity to testify

HB497 HD1
RELATING TO COUNTY ZONING
Ke Kōmike Hale o ka Wai a me ka ‘Āina
House Committee on Water & Land

Malaki 19, 2021

1:00 p.m.

Lumi 229

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB497 HD1, which would prohibit the counties from enacting any zoning ordinance or rule requiring residential developers to obtain the approval of any state agency on a project, unless such approval is expressly required under state law. **This measure would prohibit counties from establishing safeguards and procedures, such as consultation requirements with OHA and other state agencies, that can serve and has served to avoid or minimize unnecessary and irreparable impacts to Native Hawaiian cultural sites and resources.**

Requiring state agency review or approval is a valuable approach utilized by the counties to foster county-state partnerships and empower local governance, including and particularly with respect to protecting what may be uniquely valued natural and cultural resources. For example, the Maui County Planning Commission has included OHA review of archaeological preservation or monitoring plans among its re-zoning conditions, in cases where such review would be beneficial to the county. Such conditions, which are not expressly required under state law, would be prohibited under this measure. **This measure would directly overrule our counties’ ability to enact ordinances or rules that rely on state agency resources and expertise, to help ensure that private actions align with community and state plans, and to ensure that their natural and cultural resources are appropriately protected.**

In OHA’s experience, state agency participation in county zoning processes can improve their outcomes without decreasing efficiency. **As described above, OHA has regularly assisted counties in ensuring the accuracy and integrity of their project determinations by identifying undocumented cultural sites and correcting substantial technical and reporting errors regarding sites of importance to Native Hawaiians.** In nearly all of these cases, administrative permitting processes worked efficiently and effectively, with any project delays resulting largely from contractor error and poor planning. “Streamlining” county permitting processes to prohibit counties from requiring OHA review of archaeological preservation and monitoring plans may only prevent OHA from assisting them with its resources and expertise, and may endanger irreplaceable Native Hawaiian cultural and historical sites and burials without any benefit to project timelines or efficiency.

For the above reasons, OHA urges the Committee to **HOLD** HB497 HD1. Mahalo for the opportunity to testify on this measure.

Sandra-Ann Y.H. Wong

Attorney at Law, a Law Corporation

1050 Bishop Street, #514

Honolulu, Hawaii 96813

**TESTIMONY ON HB497, HD1
SENATE COMMITTEE ON WATER AND LAND
FRIDAY, MARCH 19, 2021 at 1 PM**

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Members of the Committee:

Thank you for the opportunity to provide testimony in support of HB 497, HD1 on behalf of Dowling Company, Inc.

One of the greatest contributors to the cost of housing in Hawai'i is the draconian maze and duplication of permitting and regulatory processes between the State and County. Streamlining the process would accelerate the time needed to secure those permits. It would also reduce carrying costs, including financing costs, and in the long run lower the cost of housing.

Providing more housing opportunities is good for the State because it adds to the housing inventory and creates much needed jobs.

I would note that similar language passed the Senate last Session in HB1928, SD1, Part II

Thank you for the opportunity to testify in support of this measure.



HAWAI'I COMMUNITY
FOUNDATION

To: The Honorable Lorraine R. Inouye, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
And Members of the Senate Committee on Water and Land

From: Micah Kāne, Chief Executive Officer & President
Hawai'i Community Foundation

Re: Testimony in Support of HB497 HD1 Relating to County Zoning Ordinances
Date: Friday, March 19, 2021
Time: 1:00 P.M.
Place: Via Videoconference
Conference Room 229

Aloha Chair Inouye, Vice Chair Keith-Agaran, and members of the Committee:

My name is Micah A. Kāne, CEO of the Hawai'i Community Foundation. Please accept my testimony in support of HB497 HD1 related to simplifying the approval process for housing developments and avoiding costly and unnecessary additions to the pre-development process that may delay the delivery of housing and increase the cost of homes for our residents.

The Island of Maui is facing a situation where very modest historic personal income growth, coupled with an accelerated cost of living will have a direct impact on future economic growth and opportunity for local families. Data confirms that rather than finding upward mobility on island, Maui families are choosing to depart to survive. Maui's population demographic highlights that it is the only island where the percentage of local residents has been at or below 50 percent of its total population between 2006-2017. No other island has hit that threshold.

The intent of HB497 HD1 will help to turn the tide of this unfortunate trend. The broad support of this bill from the Maui constituency is also a strong influence of our support and appreciate their voice in the process.

Now more than ever, policy that compliments expediting economic opportunity, while eliminating housing and income inequities in our state should be considered.

HB-497-HD-1

Submitted on: 3/16/2021 9:24:59 PM

Testimony for WTL on 3/19/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Prentiss	Individual	Oppose	No

Comments:

Another outrageous attack on our planning, zoning and environmental process and portections.



March 18, 2021

Committee on Water and Land
Hawai'i State Legislature
Friday, March 19, 2021 at 1:00 p.m.
Conference Room 229

RE: Testimony in support of HB497 HD1

Dear Chair Inouye, Vice Chair Keith-Agaran, and members of the Committee,

My name is Jason Fujimoto, President and CEO of HPM Building Supply. Thank you for the opportunity to submit testimony in support of HB497 HD1 calling to prohibit the counties from requiring, as part of a county zoning ordinance or county rule, a developer with more than one residential unit to obtain the approval of any state agency unless that approval is expressly required by law.

HPM is proud to be in its centennial year and we have a long tradition in Hawaii of serving our community and creating long term partnerships with our customers. Today we are 100% employee-owned and our guiding philosophy is to help our customers and community build better and live better by enhancing homes, improving lives, and transforming communities. In general, we are supportive of legislation that is balanced, good for everyone involved, and supports a thriving local community. Affordable and sufficient housing is an essential ingredient to this.

Passing this bill would streamline the approval process for much needed housing projects while still ensuring compliance with required laws. The bill would contribute to the efficiency of building projects, lower costs, and benefit the construction industry and our community by providing jobs and housing inventory. With the negative effect of COVID-19, this will support much needed stimulation in our fragile economy.

HB497 HD1 would make a positive and meaningful impact for the State, County, businesses, and all people of Hawaii. Mahalo for your time and attention.

Sincerely,

Jason Fujimoto
President & CEO





SIERRA CLUB OF HAWAI'I

LATE

SENATE COMMITTEE ON WATER AND LAND

March 19, 2021

1:00PM

Room 229

In **OPPOSITION** of **HB497**: Relating to County Zoning Ordinances

Aloha Chair Inouye, Vice Chair Keith-Agaran, and members of the Water Land Committee,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **opposes HB497**, which proposes to prohibit counties from requiring developers to follow state law.

This bill adds this exception to county zoning authority:

(g) No county zoning ordinance or county rule shall require the developer of a development with more than one residential unit to obtain the approval of any state agency unless that approval is expressly required under state law. Any county zoning ordinance or county rule in conflict with this subsection shall be void with respect to any such development.

This would mean that any existing county ordinance that requires compliance with state law as a prerequisite for county approval for any housing development of one or more units -- so all housing developments -- is void. This is outrageous.

Counties are uniquely positioned to know the real needs of their communities and the real impacts of proposed projects in their areas. Counties can use this knowledge to facilitate actual compliance with state laws designed to ensure good planning for our communities. Why undermine this collaborative approach to project development and oversight?

County councils are also obligated to comply with community plans. These plans are holistic in nature and focused on ensuring communities are smartly planned and developed well. Because counties have limited jurisdictions, compliance with community plans require cooperation with state agencies. Imposing conditions on development projects via the county zoning process is one way to put the state's expertise and authority to use for communities directly affected by a project.

We urge this committee to defer this bill. Thank you very much for this opportunity to provide testimony in **opposition to HB497**.

**HAWAII OPERATING ENGINEERS
INDUSTRY STABILIZATION FUND**



*Uniting our strengths and working together
for a better tomorrow.*

Affiliated AFL-CIO
OPEIU - 3 - AFL-CIO (3)

LATE

March 19, 2021

Senate Committee on Water and Land

Honorable Lorraine Inouye, Chair

Honorable Gil Keith-Agaran, Vice Chair

Honorable Members of the Committee on Energy, Economic Development, and Tourism

RE: H.B. 497, HD1 RELATING TO COUNTY ZONING ORDINANCES.

Dear Chair Inouye, Vice Chair Keith-Agaran and Members of the Committee:

My name is Myles Miyasato and I am the Executive Director representing the Hawaii Operating Engineers Industry Stabilization Fund (HOEISF). We are a labor management fund representing 3000 unionized members in the heavy engineering site work and 500 general contractors specializing in heavy site and vertical construction. Hawaii Operating Engineers Industry Stabilization Fund **strongly supports measure HB497 HD 1**

The Island of Maui is facing a situation where very modest historic personal income growth coupled with an accelerated cost of living will have a direct impact on future economic growth and opportunity for local families. Data confirms that rather than finding upward mobility on island, Maui families are choosing to depart to survive.

This measure intends to simplify the approval process for housing developments and avoid costly and unnecessary approvals from state agencies that already have their interests addressed in the process under required state law. Passing this measure will make a positive and meaningful impact for the State of Hawaii and each of its counties.

Sincerely,

Myles Miyasato

Executive Director

Hawaii Operating Engineers

Industry Stabilization Fund

LATE

TESTIMONY IN SUPPORT OF HB497. HD1
Senate Committee on Water & Land
Friday, February 19, 2021 at 1 pm
Conference room 229 and Videoconference

Aloha Chair Inouye, Vice Chair Keith-Agaran, and members of the Committee:

My name is Bruce U'u. I am writing in strong support of HB497. HD1. As a resident and business agent for the on Maui, I support this bill because it will simplify the approval process for housing projects and provide both the State with significant opportunities in the form of excise taxes, income taxes and job creation.

Construction opportunities are more important than ever as the State looks for imminent solutions to the economic downturn brought on by COVID-19. This bill is good for State and County housing projects. It is also good for private sector housing projects, local businesses, construction trade unions, and in turn for the people of Hawaii.

Thank you.



Bruce U'u
Maui Service Representative

HAWAII REGIONAL COUNCIL OF CARPENTERS
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OPERATING ENGINEERS LOCAL UNION No. 3

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Jurisdiction: Northern California, Northern Nevada, Utah, Hawaii, and the Mid-Pacific Islands

TESTAMONY IN SUPPORT OF HB497, HD1

Senate Committee on Water & Land

Friday, February 19, 2021 at 1 pm

Conference room 229 and Videoconference

Aloha Chair Inouye, Vice Chair Keith-Agaran, and members of the Committee:

My name is Willy Greig. I am writing in strong support of HB497, HD1. As a resident and business agent for the county of Maui, I support this bill because it will simplify the approval process for housing projects and provide both the State with significant opportunities in the form of excise taxes and job creation.

Construction opportunities are more important than ever as the State looks for imminent solutions to the economic downturn brought on by COVID-19. This bill is good for State and County housing projects. It is also good for private sector housing projects, Local businesses, construction trade unions, and in turn for the people of Hawaii.

Thank you

William Greig