

DAVID Y. IGE  
Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Chairperson, Board of Agriculture

MORRIS M. ATTA  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON WATER AND LAND  
AND  
HOUSING**

**TUESDAY, MARCH 16, 2021  
10915 A.M.  
Via Videoconference**

**SENATE BILL NO. 137, SD 2  
RELATING TO LAND USE**

Chairpersons Tarnas, Nakamura and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 137, SD 2. If enacted, this measure would authorize the counties to process petitions for Agricultural District boundary amendments greater than 15 acres but not more than 25 acres provided that the land areas:

- are proposed for reclassification to the urban district,
- are contiguous to the urban district,
- are not designated Important Agricultural Lands or with soils classified as "A" or "B" and;
- at least 60 percent of the acreage is to be developed as affordable housing.

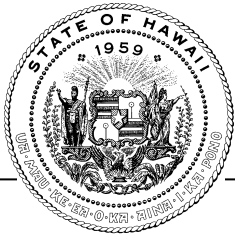
The Department of Agriculture offers a comment.

This measure establishes affordable housing as a priority activity for consideration within the State Land Use Law while protecting designated Important Agricultural Lands and agricultural lands with Land Study Bureau ratings of "A" or "B" from being considered for expedited land use district reclassifications.

Thank you for the opportunity to testify on this measure.







# OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE  
GOVERNOR

MARY ALICE EVANS  
DIRECTOR  
OFFICE OF PLANNING

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Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning  
before the  
**HOUSE COMMITTEE ON WATER AND LAND AND  
HOUSE COMMITTEE ON HOUSING**

Tuesday, March 16, 2021

10:15 AM

Via Videoconference

in consideration of  
**SB 137, SD2**  
**RELATING TO LAND USE.**

Chairs Tarnas and Nakamura, Vice Chairs Branco and Hashimoto, and Members of the House Committees on Water and Land and on Housing:

The Office of Planning (OP) offers **comments with amendments** to SB 137, SD2 that authorizes the counties to approve State Land Use District Boundary Amendments for nonimportant Agricultural lands or Rural lands up to 25 acres in size to the Urban District provided that at least 60% of the land is used for the development of affordable housing. The bill also requires that the land being considered for reclassification be contiguous to the Urban District, has a land study bureau (LSB) soil rating of “C” or lesser, provides owner-occupancy restrictions in perpetuity, and prohibits parceling. In addition, SB 137, SD2 would amend § 205-3.1 (b) (3), Hawaii Revised Statutes, to exclude agricultural lands that have a LSB soil rating of “A” or “B”.

OP notes that in the previous version of this Bill lands to be reclassified that had been parceled to be less than 25 acres for the purpose of avoiding a more rigorous environmental review and State process were required to be processed as lands greater than 15 acres and 25 acres, pursuant to HRS §205-4. SB 137, SD2 on the other hand, allows land that has been

parceled to be processed for reclassification by the county as lands “greater than 15 but not more than 25 acres” rather than by the Land Use Commission.

OP supports the intent of measures that increase the availability of affordable housing. However, the current language in SB 137 SD2 would benefit from clarification to avoid unintended interpretations. We respectfully **recommend replacing the language in the SD2, with the following sections of SB 3104 (20):**

- Part III, Section 14, which amends Ch. 201H;
- Part III, portions of Section 15, which amends Ch. 205-3.1, (a), (e), (f), (g), and (h);
- Part III, Section 16, which amends Ch. 205-4(a);
- Part IV, Sections 17 and 18, which amend Ch 6E-42; and
- Part VII, which protects rights and duties which have matured, and penalties incurred.

OP would also recommend that any county-authorized reclassification of lands of not more than 25 acres should also be consistent with the county general plan and community development plan.

OP respectfully recommends deletion of the requirement for at least sixty per cent of the land area be dedicated for the development of affordable housing. In the early 1990’s the Office of State Planning recommended imposing a condition of sixty per cent affordable homes and that did not result in affordable housing. Most developments with that condition were never built because the forty per cent market homes could not support the sixty per cent affordable units.

Thank you for the opportunity to testify.



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March 16, 2021

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER & LAND  
HOUSE COMMITTEE ON HOUSING

**TESTIMONY ON SB 137, SD2**  
RELATING TO LAND USE

Conference Room 430 & 423  
10:15 AM

Aloha Chairs Tarnas and Nakamura, Vice Chairs Branco and Hashimoto, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

**HFB opposes SB 137, SD2**, which would allow district boundary amendments without Land Use Commission approval for agricultural land of a certain acreage, provided that at least 60 percent of the acreage will be dedicated for the development of affordable housing.

HFB recognizes and supports the need for affordable housing. We also recognize that in the land category system used today, agriculture was originally the catchall land classification and that some lands included within the agricultural district were not necessarily considered optimal for agriculture.

However, agriculture has significantly evolved. Soil classification is no longer the determinant of land good for agriculture. Greenhouses, hydroponics, aquaculture, and aquaponics are just a few of the many types of agriculture that can occur on *all* classes of land (A, B, C, D, E). Some of the best floriculture and hydroponic operations in Hawaii are on C, D, and E lands. The total environment, including rainfall amount and timing, day and night-time temperatures, wind, and humidity each contribute to whether a particular region is suitable for a specific crop. In many cases, the soil type and even the existing terrain are not determinative of whether farming can exist and thrive.

Hawaii Farm Bureau has serious concerns about this measure; allowing residential developments to be interspersed with farming operations often causes problems that can result in the failure of farms. This cannot be allowed. Because of the pandemic, everyone better understands now the importance of agriculture in our isolated and vulnerable state. We must protect agricultural lands from well-known threats and avoid simplistic solutions to Hawaii's housing problems.

HFB is opposed to eliminating the oversight of the Land Use Commission and its process for agricultural boundary amendments.

The urgency to address Hawaii's need for affordable housing should not be allowed to eliminate Hawaii's use of productive agricultural land.

Thank you for your consideration of our concerns.



**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lieutenant Governor

**MIKE MCCARTNEY**  
Director

**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

**DANIEL ORODENKER**  
Executive Officer

**SCOTT A.K. DERRICKSON AICP**  
Chief Planner

**RILEY K. HAKODA**  
Chief Clerk/Planner

**NATASHA A. QUINONES**  
Program Specialist

**FRED A. TALON**  
Drafting Technician

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Statement of  
**Daniel E. Orodener**  
**Executive Officer**  
State Land Use Commission

Before the  
**House Committee on  
Water and Land  
And The  
House Committee on Housing**

Tuesday March 16, 2021  
10:15 AM  
State Capitol, Virtual Video Conference

In consideration of  
**SB 137 SD2**  
**RELATING TO LAND USE**

Chairs Tarnas and Nakamura ; Vice Chairs Branco and Hashimoto and members of the House Committee on Water and Land:

The Land Use Commission, while it supports the goal of increasing affordable housing in the State, cannot support SB137 SD2, which seeks to allow the counties to approve state district boundary amendments up to 25 acres from the currently allowable 15 acres, in its current form.

At the outset it should be noted that between 2000 and the present, the LUC has approved over 40,000 homes with only a relatively small percentage actually built. This is a clear indication that the State approval process is not a factor in the housing problem facing the State of Hawai'i. DBEDT projections were that 65,000 units will be required to meet demand by 2025. At the current pace of approval, the LUC will have approved the necessary number of homes in the next few years.

The current version of this bill contains some poorly crafted language that could be interpreted in a manner that is contrary to its intent and needs to be corrected. In particular, the definition of affordable housing is woefully inadequate only requiring residency for eligibility. Retaining this definition will result in an absurd outcome. We would strongly suggest that a revised draft be developed that rectifies some of the concerns set forth in this testimony and the

testimony of the Office of Planning. It is suggested that the bill be revised to reflect the carefully worded and negotiated language that was used in the Omnibus Bill developed last year.

The current version of the bill is inconsistent with the extensively negotiated omnibus bill that was put forward last session in a number of significant ways. SB 3104 SD1, (SLH2020) is much more comprehensive bill derived from discussions between the community, developers, government agencies, Senator Schatz, Senate and House Leadership and the counties. Most significantly it obtains a proper definition of affordable housing, prevents parcelling of large tracts of land and provides assurances that the conditions and requirements of the measure will be adhered to. It is the result of trade-offs and compromises that made various changes palatable to different constituent groups and was designed to actually result in the construction of homes for the people of Hawai'i.

As the Omnibus bill avoids the drafting errors contained in SB137 SD2 while providing the same power to grant DBAs to the counties under identical circumstances we would suggest that the language set forth below be used to replace the current language in SB 137 SD2. Use of this amended version in an HD1 will also result in a preservation of the checks and balances contained in the Omnibus bill that do not exist in the current version of SB137 SD2.

A key element of this modification is the assurance that projects developed under the amended procedure proposed by this measure will be for the house-less or those looking for affordable homes. The general definition of affordable homes allows homes marketed for buyers whose income can be up to 140% of median. Housing developed at this level of "affordability" will not result in homes for residents in need.

Income of 140% of median for a family of four is approximately \$170,000 and for an individual is \$122,000 (extrapolating from 2019 numbers). Based on these calculations a \$1,000,000 home would be recognized as "affordable. This is hardly an attainable average for most families. We would strongly suggest that the definition of affordable contained in the proposed language set forth below be utilized to ensure that homes developed under this amended procedure will actually result in homes that can be purchased by the average Hawai'i resident.

We believe that this measure should be amended to track SB3104 SD1 from last session so that the hard work and energy put into last year's Omnibus bill by this body can be recognized and that there will be some chance of success for an increase in the development of affordable housing. We therefore have attached a proposed draft for the committees' consideration.

Thank you for the opportunity to testify on this matter.



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# A BILL FOR AN ACT

RELATING TO LAND USE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1.

Section 205-3.1, Hawaii Revised Statutes, is amended to read as follows:

“(a) District boundary amendments involving lands in the conservation district~~[, land areas greater than fifteen acres]~~ or lands delineated as important agricultural lands shall be processed by the land use commission pursuant to section 205-4 District boundary amendments of all other lands greater than fifteen acres shall be processed by the land use commission pursuant to section 205-4, except as provided in subsection (e).

(b) Any department or agency of the State, and department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified may petition the appropriate county land use

decision-making authority of the county in which the land is situated for a change in the boundary of a district involving lands less than fifteen acres presently in the rural and urban districts and lands less than fifteen acres in the agricultural district that are not designated as important agricultural lands.

(c) District boundary amendments involving land areas of fifteen acres or less, except as provided in subsection (b), shall be determined by the appropriate county land use decision-making authority for the district and shall not require consideration by the land use commission pursuant to section 205-4; provided that ~~such~~ the boundary amendments and approved uses are consistent with this chapter. The appropriate county land use decision-making authority may consolidate proceedings to amend state land use district boundaries pursuant to this subsection, with county proceedings to amend the general plan, development plan, zoning of the affected land, or ~~such~~ other proceedings. Appropriate ordinances and rules to allow consolidation of ~~such~~ proceedings may be developed by the county land use decision-making authority.

(d) The county land use decision-making authority shall serve a copy of the application for a district boundary amendment to the land use commission and the department of business, economic

development, and tourism and shall notify the commission and the department of the time and place of the hearing and the proposed amendments scheduled to be heard at the hearing. A change in the state land use district boundaries pursuant to this subsection shall become effective on the day designated by the county land use decision-making authority in its decision. Within sixty days of the effective date of any decision to amend state land use district boundaries by the county land use decision-making authority, the decision and the description and map of the affected property shall be transmitted to the land use commission and the department of business, economic development, and tourism by the county planning director.

(e) Notwithstanding any other provision of this section to the contrary, a person may petition the appropriate county decision-making authority in the county in which the land is situated for a change in the boundary of a district involving lands that are not designated as conservation lands or important agricultural lands, or with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B, and comprising twenty-five acres or less; provided that the majority of the development for which the boundary amendment is sought shall be for affordable housing and shall prioritize and give preference to projects that are able

to deliver more lower-priced housing; provided further that the district boundary amendments shall be limited to lands contiguous to the urban district.

(f) Parceling of lands for development shall be prohibited for the purposes of subsection (e). If lands that have been parceled are proposed for reclassification, the petition for reclassification shall be processed as lands greater than fifteen or twenty-five acres, pursuant to section 205-4.

(g) Before a county land use decision-making authority grants a petition for reclassification pursuant to subsection (e), the county land use decision-making authority shall make a clear finding, based on the evidence submitted, that the land subject to a petition for reclassification has not been parceled or proposed to be parceled.

(h) As used in this section, "parceling" means the subdivision of lands greater than twenty-five acres into two or more parcels, more than one of which is then proposed for reclassification within a ten-year period from the date of the subdivision."

(i) As used in this section "affordable housing" means homes that are affordable to purchasers whose income is no greater than 80 percent of the median income for the county in which the reclassification is to occur.

SECTION 2. Section 205-4, Hawaii Revised Statutes, is amended read as follows:

1. By amending subsection (a) to read:

"(a) Any department or agency of the State, any department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified~~[7]~~ may petition the land use commission for a change in the boundary of a district. This section applies to all petitions for changes in district boundaries of lands within conservation districts, lands designated or sought to be designated as important agricultural lands, and lands greater than fifteen acres in the agricultural, rural, and urban districts, except as provided in ~~[section]~~ sections 201H-38~~[7]~~ and 205-3.1(e). The land use commission shall adopt rules pursuant to chapter 91 to implement section 201H-38."

2. By amending subsection (g) to read:

(g) Within a period of not more than three hundred sixty-five days after the proper filing of a petition, unless otherwise ordered by a court, or unless a time extension, which shall not exceed ninety days, is established by a two-thirds vote of the members of the commission, the commission, by filing findings of fact and conclusions of law, shall act to approve the petition, deny the petition, or to modify the petition by imposing

conditions necessary to uphold the intent and spirit of this chapter or the policies and criteria established pursuant to section 205-17 or to assure substantial compliance with representations made by the petitioner in seeking a boundary change. The commission may provide by condition that absent substantial commencement of use of the land in accordance with ~~[such representations,]~~ representations made to the commission, or absent substantial compliance with the conditions imposed under this chapter, the commission, on its own motion or upon motion by any party or interested person, shall issue and serve upon the party bound by the condition an order to show cause why the property should not revert to its former land use classification or be changed to a more appropriate classification.~~[Such conditions,]~~ If the commission finds, after a hearing conducted in accordance with commission rules and chapter 91, that the petitioner's failure to adhere to or comply with the representations or conditions does not warrant reversion to the land's former land use classification, including by reason of ineligibility, or if there has been substantial commencement of use of the land, the commission may:

(1) Record a notice of noncompliance on the land with the bureau of conveyances;

(2) Modify the existing conditions or impose new conditions to ensure compliance with the decision and order; or

(3) Provide by decision and order that the petitioner or its successor in interest shall be subject to the civil penalty set forth in section 205- .

All conditions imposed under this subsection, if any, shall run with the land and be recorded in the bureau of conveyances.

All motions requesting an order to show cause based on an alleged failure to perform a condition, representation, or commitment on the part of a petitioner, may be filed only by the commission or a person who was a party to the proceedings, including successful interveners, that resulted in the reclassification."

SECTION 3. Chapter 205, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§205- **Penalty.** (a) Any petitioner for an amendment to a district boundary that:

(1) After a hearing conducted in accordance with land use commission rules and chapter 91, is found to have violated a condition of the decision and order of the land use commission with regard to a district boundary amendment or any representation made therein; or

(2) Neglects, fails to conform to, or comply with this chapter or any lawful order of the land use commission, may be subject to a civil penalty not to exceed \$50,000 per day that the violation, neglect, or failure occurs, or reversion pursuant to section 205-4(g), but not both. The civil penalty shall be assessed by the land use commission after a hearing conducted in accordance with chapter 91.

(b) Upon written application filed within fifteen days after service of an order imposing a civil penalty pursuant to this section, the land use commission may remit or mitigate the penalty upon terms that it deems proper.

(c) If any civil penalty imposed pursuant to this section is not paid within a time period as the land use commission may direct, the attorney general shall institute a civil action for recovery of the civil penalty in circuit court."

SECTION 4. Section 205-6, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:

"(d) [~~Special~~] Except as provided in section 205-3.1(e), special permits for land the area of which is greater than fifteen acres or for lands designated as important agricultural lands shall be subject to approval by the land use commission. The land use commission may impose additional restrictions as may be necessary or appropriate in granting the



approval, including the adherence to representations made by the applicant.

(e) [A] Except for district boundary changes made through an appropriate county decision-making authority pursuant to section 205-3.1(e), a copy of the decision, together with the complete record of the proceeding before the county planning commission on all special permit requests involving a land area greater than fifteen acres or for lands designated as important agricultural lands, shall be transmitted to the land use commission within sixty days after the decision is rendered.

Within forty-five days after receipt of the complete record from the county planning commission, the land use commission shall act to approve, approve with modification, or deny the petition. A denial either by the county planning commission or by the land use commission, or a modification by the land use commission, as the case may be, of the desired use shall be appealable to the circuit court of the circuit in which the land is situated and shall be made pursuant to the Hawaii rules of civil procedure."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.





**SB137 SD2**

RELATING TO LAND USE

Ke Kōmike Hale o ka Wai a me ka ‘Āina  
House Committee on Water & Land  
Ke Kōmike Hale o ke Kuleana Hale Noho  
House Committee on Housing

Malaki 16, 2021

10:15 a.m.

Lumi 430/423

The Office of Hawaiian Affairs (OHA) provides the following **COMMENTS** on SB137 SD2, which would shift State Land Use Commission (LUC) oversight to the counties for District Boundary Amendments (DBAs) to rural and certain agricultural lands between 15 to 25 acres if (1) the land areas are proposed for reclassification to the urban district and contiguous to the urban district, and (2) at least 60% of the land areas would be dedicated for affordable housing development. **Along with comments related to retaining the LUC’s oversight over certain DBAs, OHA respectfully offers amendments for the Committees’ consideration that may improve the LUC’s enforcement authorities to facilitate the production of housing units, similar to the language found in SB3104 SD1 (Reg. Sess. 2020).** OHA also notes that it commented on a nearly identical measure last year, SB2620 SD1.

First, OHA emphasizes that the proposed reduction of the LUC’s review of DBAs **would likely not reduce affordable housing development delays, and instead may further impair the LUC’s ability to consider and mitigate impacts to natural and cultural resources and associated Native Hawaiian traditional and customary practices.** The loss of the LUC’s careful and comprehensive considerations in DBAs would not be balanced by any marginal benefit gained in the production timeline for affordable housing units needed by Hawai‘i residents. **No data or other factual information suggests that the LUC review process contributes to delays in housing development timelines.** The LUC consistently decides on Hawai‘i Revised Statutes (HRS) Chapter 201H affordable housing projects within its designated “fast-track” 45-day allowance period. The median timeframe for all LUC DBA decision-making between 1995 and 2014 was approximately 14 months, compared to 24 months for the development of necessary infrastructure and facilities.<sup>1</sup> Since 2000, **the LUC has already approved development for over 40,000 residences, of which only about 2,000 have actually been built due to other requirements, such as water and sewer infrastructure capacity.**<sup>2</sup> The few actual instances of “substantial delays” in final LUC decision making have been infrequent, and generally occurred only for projects involving significant land use policy conflicts.

<sup>1</sup> STATE LAND USE TASK FORCE, STATE LAND USE SYSTEM REVIEW DRAFT REPORT iii (2015)..

<sup>2</sup> Land Use Commission, Written Testimony on HB260 (Reg. Sess. 2021), at 7, available at [https://www.capitol.hawaii.gov/Session2021/Testimony/HB260\\_TESTIMONY\\_HSG-WAL\\_02-09-21\\_.PDF](https://www.capitol.hawaii.gov/Session2021/Testimony/HB260_TESTIMONY_HSG-WAL_02-09-21_.PDF) (last accessed February 26, 2021).

The LUC was created nearly 60 years ago, when the Hawai‘i State Legislature determined that a lack of adequate controls had caused the development of Hawai‘i’s limited and valuable lands “for short-term gain for the few while resulting in long-term loss to the income and growth potential of our State’s economy.”<sup>3</sup> Some of the key reasons for the LUC’s creation were the development of scattered subdivisions creating problems of expensive yet reduced public services, and the conversion of prime agricultural land to residential use.<sup>4</sup> **With ever-growing development pressure by speculators and land investment corporations, the needs and concerns that gave rise to the establishment of the LUC may be of even greater consequence today than they were nearly 60 years ago.**

Today, the Commission “is responsible for preserving and protecting Hawai‘i’s lands and encouraging those uses to which lands are best suited.”<sup>5</sup> LUC DBA review accordingly entails an analysis of various environmental, cultural, and socioeconomic impacts and the identification of feasible conditions to mitigate such impacts, areas in which the LUC has particular expertise and institutional knowledge. Notably, LUC decision-making criteria include, in particular, the “maintenance of valued cultural, historical, or natural resources,” taking into consideration: “(1) the identity and scope of ‘valued cultural, historical, or natural resources’ in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area; (2) the extent to which those resources – including traditional and customary native Hawaiian rights – will be affected or impaired by the proposed action; and (3) the feasible action, if any, to be taken by the (agency) to reasonably protect native Hawaiian rights if they are found to exist.”<sup>6</sup> **In many cases, LUC review may be the only opportunity for Native Hawaiians to assert their constitutionally-protected traditional and customary rights with respect to development proposals, in a government forum intended and designed to meaningfully address their concerns.**

Second, if the Committees decide to pass this measure, OHA offers the following additional amendments to clarify language regarding enforcement of LUC authority, as proposed by the LUC in its testimony regarding similar measure, SB3104 SD1 (Reg. Sess. 2020). These additions would better ensure that the LUC has the enforcement powers it needs to best perform its duties, including by providing it with a means to better enforce the construction of required affordable housing units, by:

Inserting a new section in the measure, to read as follows:

SECTION \_\_\_\_. Chapter 205, Hawai‘i Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

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<sup>3</sup> State of Hawai‘i Land Use Commission website, History, last accessed on Feb. 4, 2020, available at <https://luc.hawaii.gov/about/history-3/>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Ka Pa‘akai o ka ‘Āina v. Land Use Commission*, 94 Haw. 31 (2000).

“§205- Penalty. (a) Any petitioner for an amendment to a district boundary that:

- (1) After a hearing in accordance with land use commission rules and chapter 91, is found to have violated a condition of the decision and order of the land use commission with regard to a district boundary amendment or any representation made therein; or
- (2) Neglects, fails to conform to, or comply with this chapter or any lawful order of the land use commission may be subject to a civil penalty not to exceed \$50,000 per day that the violation, neglect, or failure occurs, or reversion pursuant to section 205-4(g), but not both. The civil penalty shall be assessed by the land use commission after a hearing in accordance with chapter 91.

(b) Upon written application filed within fifteen days after service of an order imposing a civil penalty pursuant to this section, the land use commission may remit or mitigate the penalty upon terms that it deems proper.

(c) If any civil penalty imposed pursuant to this section is not paid within a time period as the land use commission may direct, the attorney general shall institute a civil action for recovery of the civil penalty in circuit court.”

And by amending page 6, lines 12-18, to read as follows:

“seeking a boundary change. The commission may provide by condition that absent substantial commencement of use of the land in accordance with [~~such representations,~~] representations made to the commission, or absent substantial compliance with the conditions imposed under this chapter, the commission, on its own motion or upon motion by any part or interested person, shall issue and serve upon the party bound by the condition an order to show cause why the property should not revert to its former land use classification or be changed to a more appropriate classification. [~~Such conditions,~~] If the commission finds, after a hearing in accordance with commission rules and chapter 91, that the petitioner’s failure to adhere to or comply with the representations or conditions does not warrant reversion to the land’s former land use classification, including by reason of ineligibility, the commission may:

- (1) Record a notice of noncompliance on the land with the bureau of conveyances; or
- (2) Modify the existing conditions or impose new conditions to ensure compliance with the decision and order.

All conditions imposed under this subsection, if any, shall run with the land and be recorded in the bureau of conveyances.

All motions requesting an order to show cause based on an alleged failure to perform a condition, representation, or commitment on the part of a petitioner, may be filed only by the commission or a person who was a party to the proceedings, including successful intervenors, that resulted in the reclassification."

Mahalo nui loa for the opportunity to testify on this measure.



# SIERRA CLUB OF HAWAI'I

## HOUSE COMMITTEE ON WATER AND LAND

### HOUSE COMMITTEE ON HOUSING

March 16, 2021 10:15 AM

In **OPPOSITION** of **SB137 SD2**: Relating to Land Use

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Aloha Chair Tarnas, Chair Nakamura, and members of the committees,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **opposes SB137 SD2** which reduces the Land Use Commission's authority to authorize new land use activities.

The Sierra Club supports significantly increasing the supply of affordable housing across the Hawaiian Islands. However, as we have noted in our testimony on these proposals over the years, and expound on in this testimony below, the data demonstrates that the LUC is not the obstacle to affordable housing construction. We note that there already exist many "streamlined" processes for affordable housing, including HRS §201H and the exception for affordable housing in the regulations implementing HRS §343. In addition, this bill has a weak definition of "affordable housing," which fails to ensure that truly affordable housing will be built on rezoned agricultural lands.

Measures to increase affordable housing construction must balance changing land use laws with the need to improve enforcement authority for the LUC, while also ensuring environmental protection, smart community planning, and long-term resiliency. We appreciate the immense effort lawmakers are investing to find this balance and incorporate feedback from all stakeholders.

If the legislature is inclined to pass this bill, we urge you to fully consider this option for a balanced approach:

1. Ensure that the Land Use Commission processes district boundary amendments not only for important agricultural lands, but also for agricultural lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B— as "A" and "B" rated ag lands have the highest potential for local food production and additional consideration of rezoning is warranted. We note that this language is currently in SB137 SD2.
2. Add enforcement language to the Haw. Rev. Stat §205-13 Penalty for violation, to provide the LUC the tools needed to ensure compliance after granting district boundary amendments for the purpose of building affordable housing.

3. Improve the definition of “affordable housing” to require housing that is built for residents at 100% AMI or below. This bill fails to include any meaningful language to ensure that homes built will actually be affordable for a reasonable length of time.

If these amendments cannot be incorporated into this bill, then we respectfully ask the legislature to not amend the district boundary process at all.

### **Truly affordable housing is for residents at 100% AMI or below**

According to the 2016 Hawaii Housing Planning Study conducted by the Hawaii Housing Finance and Development Corporation, the Counties, and the Office of Hawaiian Affairs, nearly 70% of all housing demand in our State is from our low- and moderate-income households earning less than 100% the area median income (AMI). Market priced units are out-of-range for at least 89% of our population. Statewide, demand for units priced higher than 140% AMI is at only 11%.<sup>1</sup>

This bill fails to ensure truly affordable housing because it defines “affordable housing” as “housing that requires the purchaser to be, in perpetuity, a Hawaii resident, an owner occupant, and owner of no other real property.” This is a weak definition that does little to address the true demand for affordable housing in our state. Also, this bill provides no time frame as to how long these units would stay affordable to address long-term housing demands. Although pricing new units as “affordable” might translate to lower sale prices initially, there is no guarantee that units will be kept at this price with each re-sale.

### **Expanding LUC enforcement authority would increase housing construction**

We believe that granting the LUC reasonable enforcement authority will increase housing units on the market because it creates a mechanism for encouraging developer-follow-through on commitments made during the district boundary amendment process.

Since 1980, more than 25% of all the housing authorized by the LUC has not yet been built. On O‘ahu alone 23,000 units approved by the LUC have not been constructed. Many of those units are affordable housing or workforce housing units. This includes Ho‘opili (DR Horton), Koa Ridge (Castle & Cooke), Gentry Waiawa (now owned by Kamehameha Schools), and Royal Kunia Phase II.

With additional enforcement authority, the LUC could initiate a hearing to review a project for non-compliance. In this quasi-judicial evidentiary hearing, the LUC could collect evidence, and where the evidence justifies it, modify conditions imposed on the project or impose fines on the project to expedite construction.

### **The State Land Use Commission is not the obstacle to affordable housing**

---

<sup>1</sup> [https://dbedt.hawaii.gov/hhfdc/files/2017/03/State\\_HHPS2016\\_Report\\_031317\\_final.pdf](https://dbedt.hawaii.gov/hhfdc/files/2017/03/State_HHPS2016_Report_031317_final.pdf)



For sixty years, the LUC has played an essential role in encouraging proper land uses to protect and preserve Hawai'i's natural resources. In 1961, the legislature created the LUC in response to "a lack of adequate controls [that] had caused the development of Hawai'i's limited and valuable land for short-term gain for the few while resulting in long-term loss to the income and growth potential of our State's economy."<sup>2</sup>

This unique agency is critical to protecting open space, agricultural fields, natural resources, native Hawaiian rights, taxpayers' money, the overall quality of life for Hawai'i residents, and the long-term health of our economy. Unlike county permitting agencies, the LUC assesses district boundary amendments on basic good planning principles, such as whether the project provides for adequate public schools, and transportation infrastructure.

Currently, the LUC reviews district boundary amendment petitions involving 15 acres or more and only reviews housing-related projects when development proposals are proposed on lands designated as agricultural or conservation districts. The LUC is also required to approve or deny a petition within 365 days from its submission. If the LUC fails to complete review and decision making on a petition within that time period, then the petition is automatically approved. The LUC has always met that deadline; no project has been automatically approved.

Moreover, project proposals that qualify as affordable housing under Haw. Rev. Stat. § 201H currently enjoy an extremely expedited review process at the Land Use Commission and the county permitting agencies. Per Haw. Rev. Stat. §201H-38, **affordable housing projects requiring petitions for district boundary amendments are required to be heard and decided upon within 45 days after the filing of a petition.**<sup>3</sup> According to LUC staff, throughout the 2010's there were roughly four big 201H affordable housing projects approved at the LUC, all within the 45 day timeline.<sup>4</sup> The LUC has not had to automatically approve any affordable housing projects because it meets its deadlines.

The Sierra Club remains committed to supporting the critical mission of expanding truly affordable housing supplies, especially in the urban centers of each county. Doing so not only protects farmland from development pressure and speculative land valuations, but it also encourages more sustainable development patterns by putting housing near employment opportunities and essential services. Working together we can increase the affordable housing supply without sacrificing Hawai'i's fertile farmlands, rural communities, good planning principles, or the overall quality of life for Hawai'i's people.

Please do reach out for additional conversation on how the LUC's authority can be approved in the future. Thank you very much for this opportunity to provide testimony in **opposition to SB137 SD2.**

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<sup>2</sup> <https://luc.hawaii.gov/about/history-3/>

<sup>3</sup> <https://luc.hawaii.gov/about/district-boundary-amendment-procedures/>

<sup>4</sup> A record of all LUC decisions organized by island is available online at:  
<http://luc.hawaii.gov/completed-dockets/decision-and-orders-for-boundary-amendments/>



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Livable Hawaii Kai Hui is a 501c(3) non-profit, community organization serving East Honolulu since 2004. We strive to promote sensible growth, respect for cultural & natural resources and upholding the integrity of the East Honolulu Sustainable Communities Plan.

Committee on Water & Land and Committee on Housing  
Hawaii State House of Representatives  
Hearing on March 16, 2021 at 10:15 a.m.  
Conference Room 430 & 423/Videoconference

**RE: Strong Opposition to SB137, SD2**

Aloha Chair Tarnas, Chair Nakamura, Vice Chair Branco, Vice Chair Hashimoto, and WAL/HSG Committee Members,

Livable Hawaii Kai Hui **strongly opposes** SB137, SD2 regarding county land use decisions and changes to district boundaries.

This bill, while perhaps introduced with the best of intentions, represents a convoluted and misguided approach to solving the pressing issue of affordable housing. Not only does the proposal make no effort to tie area median income to the definition of affordability, but it pits two of Hawai'i's most serious crises against each other -- a lack of sustainable local agriculture versus a lack of affordable housing.

Urban encroachment on agricultural lands is a runaway train -- and that is a fitting metaphor, considering that this bill seems to let certain groups off the hook by diverting attention away from idling efforts to deliver on transit-oriented development and promises of affordable housing in existing urban areas.

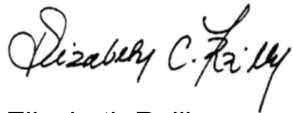
That said, the Hui is deeply concerned by this attempt to amend district boundaries and the threat it poses to our precious ag lands. As proponents and protectors of the East Honolulu Sustainable Communities Plan, we cannot ignore the fact that this bill fails to incorporate a long-term vision of sustainable development.

How can we expect to solve housing or the broader affordability and economic crises in Hawai'i if our solutions come at the expense of our food security, our farmers, our agricultural potential, and our commitment to building sustainable communities?

Opening up more lands to urbanization is not the answer, not in the context of housing, not in the context of affordability, and definitely not in the context of sustainability. And none of this has even touched on important environmental concerns, though those are critical aspects to consider as well, especially as we grapple with the causes and consequences of climate change.

We must recognize the importance of preserving agricultural lands for the benefit of all people, and understand that doing so is not incidental to, but rather a key part of an effective, equitable, and holistic approach to providing for Hawai'i.

Mahalo piha,



Elizabeth Reilly  
Founder & President  
Livable Hawaii Kai Hui



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Hāwea Heiau Complex  
& Keawāwā Wetland

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March 16, 2021

**The Honorable David A. Tarnas, Chair**  
House Committee on Water & Land

**The Honorable Nadine K. Nakamura, Chair**  
House Committee on Housing  
Via Videoconference

**RE: S.B. 137, SD2, Relating to Land Use**

**HEARING: Tuesday, March 16, 2021, at 10:15 a.m.**

Aloha Chair Tarnas, Chair Nakamura, and Members of the Joint Committees,

I am Kasandra Shriver, Vice Chair of the Government Affairs Committee, testifying on behalf of the Hawai'i Association of REALTORS® (“HAR”), the voice of real estate in Hawai'i, and its over 10,000 members. HAR **strongly supports** S.B. 137, SD2, which authorizes county land use decision—making authorities to amend district boundaries involving certain land areas greater than 15 acres, but not more than 25 acres, if the land areas are proposed for reclassification to the urban district, contiguous to an urban district, and at least 60% of the land areas will be dedicated for the development of affordable housing

Hawai'i has been struggling with the issue of affordable housing for decades. Challenges range from land and infrastructure costs, financing, regulatory challenges, and permitting. According to the Department of Business Economic Development and Tourism's 2019 report on Housing Demand in Hawai'i, the state needs up to 46,000 housing units to meet demand in Hawai'i by 2030. Ultimately, we have a housing supply problem, and this measure is a creative approach to address those challenges, by building housing at all price points, including encouraging affordable housing.

The Land Use Commission (LUC) is responsible for the classification of land parcels into urban, rural, agricultural and conservation districts. Additionally, the LUC acts on land use district boundary amendment petitions involving the reclassification of lands greater than 15 acres in agricultural, rural, and urban district areas, provided it is not in the conservation district or delineated as important agricultural lands. Lands that are less than the 15 acres can be reclassified by the counties. Moreover, the county process involves opportunities for public input, which includes a presentation to the appropriate neighborhood board and public input at hearings before the appropriate county Planning Commission and City Council.

HAR would respectfully recommend that the acreage be increased from 25 to 100 acres. This would allow for more housing units to be built to help the State reach its housing demand. Additionally, more acreage makes it more economically feasible for environmental safeguards to be built, such as a wastewater treatment plants or connectivity to an existing sewer system. Smaller projects may not be able to absorb said costs.

Mahalo for the opportunity to testify.



March 16, 2021

10:15 a.m.

Conference Room 430 & 423

Via Videoconference

**To: House Committee on Water & Land**

**Rep. David A. Tarnas, Chair**

**Rep. Patrick Pihana Branco, Vice Chair**

**To: House Committee on Housing**

**Rep. Nadine K. Nakamura, Chair**

**Rep. Troy N. Hashimoto, Vice Chair**

**From: Grassroot Institute of Hawaii**

**Joe Kent, Executive Vice President**

RE: SB137 SD2 — RELATING TO LAND USE

***Comments Only***

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SB137](#), which would change existing restrictions on the authority of the counties to amend district boundaries.

Under this bill, county decision-making officials would be permitted to amend district boundaries for certain land areas greater than 15 acres, but not more than 25 acres, if they are proposed for reclassification to the urban district, contiguous to an urban district and at least 60% of the square footage of the development will be dedicated to development of so-called affordable housing.

In raising the acreage cutoff to 25 acres, SB137 would make an important stride toward streamlining the decision-making process and encouraging the growth of the housing pool in our state.

However, the bill includes an unnecessary limitation, namely, the requirement that this special consideration will be given only for proposals where 60% of the land will be dedicated to the development of affordable housing.

While well-intentioned, that additional limitation may frustrate the intent of the bill by creating another regulatory roadblock to the increase of the housing supply. There are ways to encourage the growth of affordable housing that won't hobble development before it even begins.

We urge you to remove the 60% requirement and focus first on reforming the state Land Use Commission and streamlining the development process.

That said, this committee should be commended for addressing one of the root causes of the state's housing crisis: the excess of regulation and bureaucracy that can delay and frustrate development. A recent Grassroot Institute report on the problem, ["Reform the Hawaii LUC to encourage more housing,"](#) discussed how state policymakers could encourage the growth of housing by reexamining the role and purpose of the LUC.

The report included two recommendations that relate directly to the intent of SB137: raising the acreage cutoff for LUC review of district boundary amendment requests; and allowing the counties to handle all DBAs for urban and agricultural lands, leaving the LUC free to focus on statewide environmental issues and DBAs of conservation lands.

Enacting bill SB137, without the unnecessary limitation, would go part of the way toward achieving those recommendations.

Thank you for the opportunity to submit our comments.

Sincerely,  
Joe Kent  
Executive Vice President  
Grassroot Institute of Hawaii



**HOUSE COMMITTEE ON WATER & LAND, AND COMMITTEE ON HOUSING  
Hawaii State Capitol  
415 South Beretania Street  
Via Videoconference  
10:15 AM**

**March 16, 2021**

RE: SB 137, Relating to Land Use.

Chairs Nakamura & Tarnas, Vice Chairs Hashimoto & Branco, and members of the committee:

My name is Beau Nobmann, 2021 President of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii is in strong support of SB 137, which authorizes the counties to reclassify lands 15-100 areas in certain rural, urban, and agricultural districts in which at least 60% of the housing units on the land sought to be reclassified are set aside for affordable housing.

The state of Hawaii is in a dire housing crisis which has been further exacerbated by the ongoing pandemic situation. This bill would encourage the building of affordable housing by making more land readily available to potential developers. The building industry is one of the very few economic drivers in the state throughout the COVID pandemic, and giving them more opportunity to provide our residents with affordable housing would have a positive impact on our community.

We are in strong support of SB 137, and appreciate the opportunity to express our views on this matter.

tel. 808-629-7501  
fax. 808-629-7701

94-487 Akoki St., Ste 213  
Waipahu, HI 96797

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[info@biahawaii.org](mailto:info@biahawaii.org)





March 15, 2021

Representative David A. Tarnas, Chair  
Representative Patrick Pihana Branco, Vice Chair  
House Committee on Water & Land

Representative Nadine K. Nakamura, Chair  
Representative Troy N. Hashimoto, Vice Chair  
House Committee on Housing

**Comments in Support of SB 137, SD2, RELATING TO LAND USE (Authorizes county land use decision—making authorities to amend district boundaries involving certain land areas greater than fifteen acres, but not more than twenty-five acres, if the land areas are proposed for reclassification to the urban district, contiguous to an urban district, and at least sixty per cent of the land areas will be dedicated for the development of affordable housing. Effective 7/1/2050. [SD2])**

**WAL/HSG Hearing: Tuesday, March 16, 2021, 10:15 a.m.,  
VIA VIDEOCONFERENCE, Conference Room 430 & 423**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. LURF's mission is to research, educate and advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF members include the largest affordable homebuilders in the State and are responsible for the development of thousands of housing units, ranging from housing for the homeless to all income levels of Hawaii residents. LURF and its members have, and continue to participate in numerous Affordable Housing coalitions, task forces and Governor Housing Working Group.

LURF appreciates the opportunity to testify in **support of SB 137, SD2, with NO AMENDMENTS. We respectfully request that your Committees pass this bill as-is, WITHOUT the amendments being proposed by the Land Use Commission (LUC) and the Office of Planning (OP).**



**SB 137, SD2.** This measure authorizes county land use decision-making authorities to amend district boundaries involving certain land areas greater than fifteen acres, but not more than twenty-five acres, if the land areas are proposed for reclassification to the urban district, contiguous to an urban district, and at least sixty per cent of the land areas will be dedicated for the development of affordable housing. The current effective date is 7/1/2050.

**LURF’s Position.** This bill probably started with good intentions, however, the current version of the bill includes so many “poison pills” that it could discourage homebuilders from seeking a county district boundary amendment for 15-25 acres to build affordable homes, because the bill imposes numerous unreasonable restrictions that are not applicable to district boundary amendment applications for 15 acres or less, or applications over 25 acres.

REQUIREMENT	LESS THAN 15 ACRES	15-25 ACRES	UNLIMITED ACRES
Contiguous to Urban District	No requirement	Must be contiguous to Urban District	No requirement
Square footage must be affordable housing	No requirement	At least 60% of square footage of development must be dedicated to affordable housing	No requirement
Soil Classification Restriction	No requirement	Land Study Bureau Class C or lesser	No requirement
Parceling Restriction	No requirement	Parceling Restriction	No requirement
Consolidation	May consolidate county proceedings to amend general plan, development plan, zoning, or other proceedings	No consolidation	No consolidation

**Any LUC/OP proposed amendments to increase LUC’s enforcement authority should be rejected,** because the revisions are contrary to existing land use laws and Hawaii Supreme Court caselaw; are clearly a “power-grab” scheme to obtain more powers, though a bill that increases the county authority by a mere 10 acres; will facilitate legal challenges and lawsuits by anti-housing groups and NIMBYs; will delay building more affordable homes; and are the same proposed amendments that killed the Legislature’s 2020 Housing Omnibus Bill, SB 3104 (2020) last year.

LURF and its members are willing to continue to work with the Legislature, Administration, and other stakeholders on any further amendments to this measure to address any DBA issues normally considered by the LUC in an efficient and timely manner.

LURF is **in strong support of SB 137, SD2, WITH NO AMENDMENTS,** and respectfully urges your favorable consideration of this bill.

**SB-137-SD-2**

Submitted on: 3/13/2021 11:10:18 AM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Fern Anuenue Holland	Individual	Oppose	No

Comments:

Aloha Representatives. My ohana and I are in strong OPPOSITION to SB137. We have serious concerns about the constitutionality of this measure. Mahalo! Fern Å€ Holland

**SB-137-SD-2**

Submitted on: 3/13/2021 11:57:11 AM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jessica dos Santos	Individual	Oppose	No

Comments:

Aloha Chair Tarnas, Chair Nakamura, and members of the Committees,

I oppose SB 137 SD2, which weakens the Land Use Commission's oversight on agricultural lands by allowing counties to rezone 25 acres of farmland to be converted to housing that is not guaranteed to actually be "affordable." This bill would reduce public participation in land-use decisions, increase laxness and loopholes for special interests, and reduce critical state oversight and protections of our resources. Please defer SB137.

Respectfully,

Jessica dos Santos

**SB-137-SD-2**

Submitted on: 3/13/2021 7:45:07 PM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Kealii Pang, Ph.D.	Individual	Oppose	No

Comments:

Aloha Chair Tarnas, Chair Nakamura, and members of the Committees,

I oppose SB 137 SD2, which weakens the Land Use Commission’s oversight on agricultural lands by allowing counties to rezone 25 acres of farmland to be converted to housing that is not guaranteed to actually be “affordable.” This bill would reduce public participation in land use decisions, increase laxness and loopholes for special interests, and reduce critical state oversight and protections of our resources. Please defer SB137.

**SB-137-SD-2**

Submitted on: 3/14/2021 9:04:10 AM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nanea Lo	Individual	Oppose	No

Comments:

Hello Chair Tarnas, Chair Nakamura, and members of the Committees,

My name is Nanea Lo. I come Papakāleā, O'ahu currently residing in Mā'ili'ili in my ancestral homelands. I'm writing in OPPOSITION of SB137.

I oppose SB 137 SD2, which weakens the Land Use Commission's oversight on agricultural lands by allowing counties to rezone 25 acres of farmland to be converted to housing that is not guaranteed to actually be "affordable." This bill would reduce public participation in land use decisions, increase laxness and loopholes for special interests, and reduce critical state oversight and protections of our resources.

Please defer SB137.

me ke aloha 'Āina,

Nanea Lo

**SB-137-SD-2**

Submitted on: 3/14/2021 2:39:23 PM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Brandt	Individual	Oppose	No

Comments:

Oppose.

**SB-137-SD-2**

Submitted on: 3/14/2021 3:39:08 PM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brittney Hedlund	Individual	Oppose	No

Comments:

I oppose this bill because I do not believe it to be the right choice for land that has been given the designation of agricultural. With the size lots that are being proposed that can be changed by the county it is so scary to think of how this could drastically change rural areas.

**SB-137-SD-2**

Submitted on: 3/14/2021 4:34:48 PM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emma Ishihara	Individual	Oppose	No

Comments:

Chair, Vice Chair, and esteemed members of the committee,

My name is Emma and I would like to submit testimony in strong opposition to this bill, which would appropriate agricultural lands for the development of unnatural resources. We should rather be passing laws that would protect our local community from the negative impacts of gentrification, which has chased Native Hawaiians away from their homelands and brought in higher and higher costs of living for those who dare to stay, forcing them onto the streets as they attempt to survive.

Thank you for this opportunity to submit testimony in opposition to this bill.

Emma Ishihara.



**SB-137-SD-2**

Submitted on: 3/14/2021 8:53:44 PM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherry Pollack	Individual	Oppose	No

Comments:

I strongly oppose this bill that would reduce public participation in land use decisions, increase laxness and loopholes for special interests, and reduce critical state oversight and protections of our resources.

**SB-137-SD-2**

Submitted on: 3/14/2021 10:56:08 PM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emily Olson	Individual	Oppose	No

Comments:

Aloha Chair Tarnas, Chair Nakamura, and members of the Committees,

I oppose SB 137 SD2, which weakens the Land Use Commission's oversight on agricultural lands by allowing counties to rezone 25 acres of farmland to be converted to housing that is not guaranteed to actually be "affordable." This bill would reduce public participation in land use decisions, increase laxness and loopholes for special interests, and reduce critical state oversight and protections of our resources. Please defer SB137.

**SB-137-SD-2**

Submitted on: 3/15/2021 10:10:00 AM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keith Neal	Individual	Oppose	No

Comments:

I oppose SB137

The current version of SB137 contains poorly crafted language that would be interpreted contrary to the intent of creating affordable housing.

Respectfully submitted,

Keith Neal

**SB-137-SD-2**

Submitted on: 3/15/2021 10:24:51 AM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebecca M Goldschmidt	Individual	Oppose	No

Comments:

Aloha Chair Tarnas, Chair Nakamura, and members of the Committees,

I oppose SB 137 SD2, which weakens the Land Use Commission's oversight on agricultural lands by allowing counties to rezone 25 acres of farmland to be converted to housing that is not guaranteed to actually be "affordable." This bill would reduce public participation in land use decisions, increase laxness and loopholes for special interests, and reduce critical state oversight and protections of our resources. Please defer SB137.

**SB-137-SD-2**

Submitted on: 3/15/2021 10:47:52 AM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonathan Likeke Scheuer	Individual	Oppose	No

Comments:

I am currently the Chair of the Land Use Commission but am submitting this testimony as an individual.

This legislation will do nothing to promote the availability of truly affordable housing for people who are already in Hawai`i, and should be held. The contention that this bill will increase affordable housing is without any factual basis. This bill is nothing more than an unbalanced attack against the Land Use Commission.

I note that strong support for this legislation has come from the Hawai`i Association of Realtors. I do not believe that the Legislature turns to automobile dealers for advice on how to make our transportation infrastructure more sustainable, or tobacco retailers on how to improve public health. The Legislature should not turn to realtors for counsel on land use policy and housing affordability.

In closing, I would note that if any of the members of the House Committees on Water and Land or Housing wish to claim in the future that they wish to "balance environmental protection with sustainable resource development" or to "protect our natural resources and biodiversity for our children and future generations", they should support holding this bill.

Jonathan Likeke Scheuer, Ph.D.

**SB-137-SD-2**

Submitted on: 3/15/2021 11:14:28 AM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ivy Hsu	Individual	Oppose	No

Comments:

Aloha e Chair Tarnas, Chair Nakamura, and members of the Committees,

I oppose SB 137 SD2, which weakens the Land Use Commission's oversight on agricultural lands by allowing counties to rezone 25 acres of farmland to be converted to housing that is not guaranteed to actually be "affordable." This bill would reduce public participation in land use decisions, increase laxness and loopholes for special interests, and reduce critical state oversight and protections of our resources. Please defer SB137.

As a daughter of immigrant farmers on this island I grew up here and chose to return after college. Protecting agricultural land will be a step towards making Hawai`i sustainable and livable for those who were born here. We can provide for our own people while decreasing our reliance on imported goods and tourism. Mahalo for considering my testimony.

**SB-137-SD-2**

Submitted on: 3/15/2021 5:04:22 PM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Momi Ventura	Individual	Oppose	No

Comments:

Alohamai Chairs Tarnas And Nakamura And Members Of The Committee, I Oppose SB 137 SD2 Mainly That It Weakens The Land Use Committee's Oversight On Agricultural Lands By Allowing Counties To Rezone 25 Acres Of Important Farmlands To Be Converted To Housing Which Has Absolutely No Guarantee To Be Affordable "Housing." This Bill Reduces The Opportunity For Public Participation Concerning These Lands. My Family Has Never Owned A Home, We Rarely Have Friends That Own Their Homes Either. Theres A Big Problem That Began Over A Hundres Years Ago. Once Fiercely Independent Hawaiian People Are Still Mostly Dependant On Public Help For Housing And Food.. Please Defer SB 137

**SB-137-SD-2**

Submitted on: 3/15/2021 8:48:28 PM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raelyn Reyno Yeomans	Individual	Oppose	No

Comments:

Strong opposition



**SB-137-SD-2**

Submitted on: 3/15/2021 9:38:05 PM

Testimony for WAL on 3/16/2021 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rozlyn Calderon	Individual	Oppose	No

Comments:

Aloha Chair Tarnas, Chair Nakamura, and members of the Committees,

I oppose SB 137 SD2, which weakens the Land Use Commission's oversight on agricultural lands by allowing counties to rezone 25 acres of farmland to be converted to housing that is not guaranteed to actually be "affordable." This bill would reduce public participation in land use decisions, increase laxness and loopholes for special interests, and reduce critical state oversight and protections of our resources. Please do not let the desecration of Hawaiian land continue. Please defer SB137.