

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 House Committee on
WATER & LAND**

**Tuesday, January 31, 2023
9:00 A.M.
State Capitol, Conference Room 430**

**In consideration of
HOUSE BILL 562
RELATING TO PERMITS**

House Bill 562 proposes to establish an exemption from applicable county permit requirements for repetitive construction projects for facilities under the control of the Department of Education, University of Hawaii, or School Facilities Authority. **The Department of Land and Natural Resources (Department) offers the following comments.**

While the Department supports the intent of the bill, we caution on potential unintended consequences of the proposed legislation. Pursuant to 44 CFR§59.24, State and county participation in the National Flood Insurance Program (NFIP) require floodplain development permits for any work encroaching within Special Flood Hazard Areas (A or V zones) identified on the Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Maps (FIRMs). Any State or county law that is not consistent with the NFIP jeopardizes our continued eligibility and participation. The unintended consequences of program suspension, include:

- No federal flood insurance can be sold or renewed in non-participating communities.
- Certain forms of Federal Disaster Assistance (including mitigation grants) will not be available in the event of a Presidential Disaster Declaration.

Furthermore, unregulated development within floodplains also increases the risk to life and property from flooding.

To ensure State and County continued eligibility and participation in the NFIP, the Department recommends adding language on Page 1, line 10 to read as follows:

"action, provided that no contract for repetitive construction projects shall be exempt from county, State, or federal floodplain management development standards, or statutes, codes, ordinances, rules, or regulations with which compliance is required under the National Flood Insurance Program."

Thank you for the opportunity to testify 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: 01/31/2023
Time: 09:00 AM
Location: 430 VIA VIDEOCONFERENCE
Committee: House Water & Land

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB 0562 RELATING TO PERMITS.

Purpose of Bill: Establishes an exemption from applicable county permit requirements for repetitive construction projects for facilities under the control of the Department of Education, University of Hawaii, or School Facilities Authority.

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of HB 562 and offers comments.

This measure would establish an exemption to the Department from county permit requirements for repetitive construction projects.

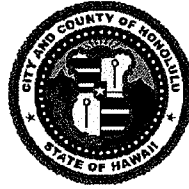
The Department appreciates the intent of this measure to streamline the permitting process for the Department. The permitting process coordinates the work with fire, water, electrical and other various county approvals. The Department would need to establish a process to coordinate the various work and plan for any liability issues.

Thank you for this opportunity to provide comments on this measure.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR



DAWN TAKEUCHI APUNA
DIRECTOR DESIGNATE

JIRO SUMADA
DEPUTY DIRECTOR

January 31, 2023

The Honorable Linda Ichiyama, Chair
and Members of the Committee on Water and Land
Hawaii State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Ichiyama and Committee Members:

**Subject: House Bill No. 562
Relating to Permits**

The Department of Planning and Permitting (DPP) **opposes** House Bill No. 562 in its present form.

This Bill exempts repetitive construction projects of public school facilities under the control of the Department of Education, University of Hawaii, or School Facilities Authority from any applicable county permit requirements.

The Bill does not define “repetitive construction projects.” If the intent is to allow for routine or minor type of work, such as replacement of windows, plumbing fixtures, classroom lighting, etc., within existing school facilities, the scope of the work should be clearly defined. Otherwise, significant projects, such as construction of multiple new classrooms, or the re-grading of different parts of a school campus for various purposes, may be considered exempt “repetitive” work.

Additionally, the Bill may potentially exempt projects subject to the counties’ flood protection ordinances enacted under the National Flood Insurance Program (NFIP). The counties are required to review and issue permits to ensure all new or substantially improved development is compliant with the NFIP in order for federal flood insurance to be made available to county residents.

The proposed exemption from permit requirements for projects that may involve new construction or significant addition to buildings, or may include significant alteration of land within a floodplain, will jeopardize the counties’ participation in the NFIP, and may result in higher flood insurance rates for the residents, or even suspension of the counties from the program.

The Honorable Linda Ichiyama, Chair
and Members of the Committee on Water and Land
Hawaii State House of Representatives
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Accordingly, we urge that House Bill No. 562 be held by your committee.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dawn Takeuchi Apuna', with a long horizontal flourish extending to the right.

Dawn Takeuchi Apuna
Director

HB-562

Submitted on: 1/29/2023 11:13:29 PM

Testimony for WAL on 1/31/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chad "Keone" Farias	School Facilities Authority	Support	In Person

Comments: