



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 586-8162 TTY

April 2, 2024

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

House Bill 2090 HD1 SD1 – Relating to Housing

The Disability and Communication Access Board (DCAB) offers comments on House Bill 2090 HD1 SD1 – Relating to Housing.

This bill addresses the housing crisis by allowing residential uses in areas zoned for commercial use to be considered permitted under certain circumstances, beginning 1/1/2025. It requires, no later than 1/1/2025, each county to adopt or amend its ordinances to allow for adaptive reuse of existing commercial buildings in the county's building codes.

The housing crisis is magnified for people with disabilities as many units are not designed to be accessible. In addition to addressing the housing shortage, legislation should address the quantity of supportive housing units that are accessible to people with mobility and communication disabilities. The Americans with Disabilities Act Standards for Accessible Design (ADA Standards) specifies the minimum percentage of accessible housing units in public facilities. The ADA Standards only requires five percent of units to be accessible for mobility disabilities and two percent of units to be accessible for communication disabilities. The Fair Housing Act (FHA) design and construction requirements specifies the minimum number of adaptable housing units in public and private buildings containing four or more units. The FHA requires all dwelling units to be adaptable for mobility disabilities in buildings with an elevator, but only requires ground floor units to be adaptable for mobility disabilities in buildings without an elevator. The FHA does not require units to be adaptable for communication disabilities.

According to the U.S. Census Bureau's 2021 Disability Characteristics for the State of Hawaii, 19.1 percent of Hawaii's residents that are sixty five years and older have mobility difficulty, 12.6 percent have hearing difficulty, and 4.7 percent have vision difficulty. The following adjustments that exceed minimum accessibility and adaptability requirements would provide Hawaii residents with disabilities the opportunity to live independently:

- In public facilities with residential dwelling units, at least twenty percent, but no fewer than one unit, of the total number of residential dwelling units shall provide mobility features that comply with applicable technical requirements in the ADA Standards.
- In public facilities with residential dwelling units, at least thirteen percent, but no fewer than one unit, of the total number of residential dwelling units shall provide communication features that comply with applicable technical requirements in the ADA Standards.
- In multi-story buildings with four or more residential dwelling units, an elevator shall connect each story and all dwelling units shall comply with the FHA design and construction requirements.

Investing in accessible housing would ensure that more residential units would be available for individuals with disabilities and their families.

Thank you for considering our position.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "K. Shaw", with a long horizontal flourish extending to the right.

KIRBY L. SHAW
Executive Director

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



DEAN MINAKAMI
EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813
FAX: (808) 587-0600

Statement of **DEAN MINAKAMI**

Hawaii Housing Finance and Development Corporation
Before the

SENATE COMMITTEE ON JUDICIARY

Tuesday, April 02, 2024 at 10:05 a.m.
State Capitol, Room 016

In consideration of
H.B. 2090 HD1 SD1
RELATING TO HOUSING.

Chair Rhoads, Vice Chair Gabbard, and members of the Committee.

HHFDC **supports** HB 2090 HD1 SD1, which allows limited residential uses in areas zoned for commercial use to be considered permitted with certain provisions and requires the counties to adopt or amend its ordinances to allow for adaptive reuse of existing commercial buildings by January 1, 2025. The bill includes a carveout for Hawaii Community Development Authority-zoned lands.

This bill has the potential to expand Hawaii's housing inventory while also facilitating the creation of more vibrant communities. It does so by allowing the development of housing in commercial districts (located above building ground floors) and encouraging the repurposing of older commercial buildings that are underutilized due to market conditions or functional obsolescence. Many older buildings with potential for residential conversion are in central business districts that can become desirable communities, as they tend to be proximate to public services, community facilities, entertainment venues, and the like in addition to employment centers.

Thank you for the opportunity to testify on this bill.

OFFICE OF HOUSING
KE KE'ENA HO'OLĀLĀ KŪKULA HALE
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 306 • HONOLULU, HAWAII 96813
PHONE: (808) 768-4675 • FAX: (808) 768-4242 • WEBSITE: www.honolulu.gov/housing

RICK BLANGIARDI
MAYOR
MEIA



DENISE ISERI-MATSUBARA
EXECUTIVE DIRECTOR
PO'O HO'OKO

KEVIN AUGER
DEPUTY DIRECTOR
HOPE PO'O

March 28, 2024

2024-HOU-021

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
Hawaii'i State Capitol
415 South Beretania Street
Honolulu, Hawaii'i 96813

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members:

SUBJECT: Testimony in Support of HB2090, HD1, SD1 – Relating to Housing
Hearing: Tues., April 2, 2024, 10:05 a.m. at the State Capitol, Rm. 016

The City and County of Honolulu **supports HB2090, HD1, SD1**, which would permit residential uses in areas zoned for commercial use and would require counties to allow adaptive reuse of existing commercial buildings for residential purposes. We support the ability to expand the city's housing supply through enhanced use of currently underutilized zoning districts and vacant buildings. To better promote and facilitate adaptive reuse projects on O'ahu, we request for the effective date to be amended to become effective upon approval.

The aftermath of the pandemic and trend in remote work have resulted in historically high vacancy rates and an underutilization of commercial space and office buildings. We understand the value of adaptive reuse as a cost-effective means of increasing the city's housing stock and want to play an active role in helping restore economic vitality to many parts of the city. The city has been working with the Honolulu City Council and stakeholders on efforts to develop an adaptive reuse ordinance that addresses changes needed in the code, particularly as it relates to indirect or artificial lighting and mechanical ventilation. We are continuing to work on changes that balance the need to better facilitate the ability for developers to transition existing vacant office buildings into residential units while maintaining health and safety measures.

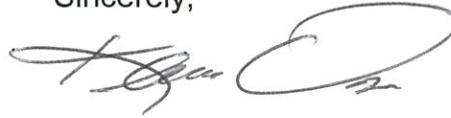
The City and County of Honolulu is committed to increasing the supply of housing, including affordable housing, and appreciates the opportunities that adaptive reuse offers

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
March 28, 2024
Page 2

to accomplish this objective. We believe that adaptive reuse of commercial spaces can be facilitated in a manner that is consistent with good public health and safety.

Thank you for the opportunity to testify.

Sincerely,



FOR: Denise Iseri-Matsubara
Executive Director
Office of Housing

APPROVED:



Michael D. Formby
Managing Director

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Ross Kagawa



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

March 28, 2024

**TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 2090, HD 1, SD 1, RELATING TO HOUSING
Senate Committee on Judiciary
Tuesday, April 2, 2024
10:05 a.m.
Conference Room 016
Via Videoconference**

Dear Chair Rhoads and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 2090, HD 1, SD 1, Relating to Housing. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of HB 2090, HD 1, SD 1, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 2090, HD 1, SD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

ADDISON BULOSAN
Councilmember, Kaua'i County Council

AAO:mn

April 2, 2024

TO: Chair Keohokalole and members of the Senate Judiciary Committee
RE: HB 2090 RELATING TO HOUSING.

Dear Chair and Committee Members,

My name is Sterling Higa, and I serve as executive director of Housing Hawai'i's Future, a nonprofit creating opportunities for Hawai'i's next generation by ending the workforce housing shortage.

We support HB 2090, the “Mixed-Use and Adaptive Reuse Housing” Bill.

Building code and zoning changes are necessary to allow conversions from commercial to residential use. So too are investments in infrastructure and tax incentives to support adaptive reuse and redevelopment.

This bill is a sensible first step. It helps to reverse decades of single-use zoning that have caused sprawl.

“Single-use zoning is designed to separate residential, commercial and industrial uses. It makes sense to separate homes and factories; it’s counterproductive to separate residential and commercial uses. The most vibrant cities in the world (think: London, Paris, Tokyo) favor mixed-use development. And charming small towns do too. This is as true in Hawai’i as it is everywhere else. For example, it’s no coincidence that the most popular towns to visit on Maui were all developed before the county’s current zoning code was adopted in 1960: think of Hāna, Makawao, Pā’ia, Wailuku and pre-fire Lahaina. Compare those quaint towns with Kihei, the land of strip malls.”¹

Given our state’s constitutional imperative to conserve agricultural resources, it’s vital that we make efficient use of already developed land.

Mixed-use development is a pattern of development that is better economically and environmentally.

We cannot afford to keep bad zoning codes on the book.

Thank you for your support of HB 2090!

Thank you,



Sterling Higa
Executive Director
Housing Hawai'i's Future
sterling@hawaiisfuture.org
+1 (808) 782-7868

¹Read more in *Hawaii Business Magazine*, “Five Ways to Build More Housing in Hawai’i”
<https://www.hawaiibusiness.com/hawaii-housing-crisis-barriers-and-solutions/>

April 2, 2024

The Honorable Karl Rhoads, Chair

Senate Committee on Judiciary

State Capitol, Conference Room 016 & Videoconference

RE: House Bill 2090, HD1, SD1, Relating to Housing

HEARING: Tuesday, April 2, 2024, at 10:05 a.m.

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 11,000 members. HAR **supports** House Bill 2090, HD1, SD1, which beginning 1/1/2025, allows residential uses in areas zoned for commercial use to be considered permitted under certain circumstances. Requires, no later than 1/1/2025, each county to adopt or amend its ordinances to allow for adaptive reuse of existing commercial buildings in the county's building codes. Takes effect 7/1/2491.

Adaptive reuse gives an old building new purpose instead of tearing it down. It helps extend the life of existing buildings by repurposing them, keeping their historical charm, and preserving its role in the community. Additionally, "research shows that building reuse avoids 50-75% of the embodied carbon emissions that an identical new building would generate because renovations typically reuse most of the carbon-intensive parts of the building — the foundation, structure, and building envelope."¹

One of the consequences of the COVID-19 pandemic was that many businesses adopted remote or hybrid work strategies for their employees. This is at least one reason for a rising inventory of vacant office space. Other businesses, such as restaurants and retail stores, found it harder to meet their rent because of prolonged shutdowns, staffing shortages, and changes in consumer behavior. Consequently, many cities are embracing the adaptive reuse of this inventory for residential purposes.²

According to the Department of Business Economic Development and Tourism's 2019 report on Housing Demand in Hawaii, the state needs up to 45,497, housing units to meet demand in Hawaii by 2030.³ Ultimately, we have a housing supply problem,

¹ American Institute of Architecture and The National Trust for Historic Preservation. (n.d.). *Building Reuse: A Proven Climate and Economic Strategy*. https://content.aia.org/sites/default/files/2023-04/AIA_NTHP_Building_Reuse_42_.pdf

² National Association of REALTORS®. (October 2022). *Hot Topic Alert: Adaptive Reuse*. <https://realtorparty.realtor/wp-content/uploads/2022/10/HTA-NAR-Adaptive-Reuse-Hot-Topic-Alert-FINAL-2.pdf>

³ Department of Business, Economic Development & Tourism. (2019). *Hawaii Housing Demand 2020-2030*. <https://files.hawaii.gov/dbedt/economic/reports/housing-demand-2019.pdf>

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 808-733-7060

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 1259 A'ala Street, Suite 300
Honolulu, HI 96817

and creative approaches are needed to meet our state's housing challenges. As such, by repurposing commercial buildings for residential uses can help address our housing challenges.

Mahalo for the opportunity to testify on this measure.





"Advancing the Commercial Real Estate Industry through Education, Networking and Advocacy"

Committees: SENATE COMMITTEE ON JUDICIARY
Date: April 2, 2024
Time: 10:05 AM
Place: Conference Room 16 and Via Remote Access
RE: HB2090, HD1 SD1 Relating to Housing

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the committee:

Thank you for the opportunity to submit **support** testimony on House Bill 2090, HD1 SD1 Relating to Housing. This bill allows residential uses in areas zoned for commercial use to be considered permitted under certain circumstances and requires each county to adopt or amend its ordinances to allow for adaptive reuse of existing commercial buildings in the county's building codes.

BOMA Hawai'i is a non-profit trade association dedicated to advancing the commercial real estate industry through education, networking and advocacy. Please consider BOMA a resource for policy makers. Thank you for the opportunity to testify on this measure.

Sincerely,

Jamie Barboza
BOMA Hawai'i Government Affairs Committee Chair

HB-2090-SD-1

Submitted on: 3/31/2024 2:37:43 PM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Testifying for Hawaii Young Republicans	Support	Written Testimony Only

Comments:

Aloha Senators,

My name is Jacob Wiencek, Chairman of Hawaii Young Republicans, and on behalf of our organization we ***strongly support*** this proposed legislation.

Lack of affordable housing is perhaps the main driver of our cost of living crisis. Every day, struggling young people are driven from our state to the Mainland by lower cost of living, affordable housing, and greater socio-economic opportunity. Many working and middle class families are also struggling to make ends meet. This status quo cannot continue.

This committee has a prime opportunity with HB2090 to change the dynamic. Mixed use zoning is a crucial way we can start creating a more affordable Hawaii for everyone.

We urge this committee to pass this crucial bill!

April 2, 2024, 10:05 a.m.

Hawaii State Capitol

Conference Room 016 and Videoconference

To: Senate Committee on Judiciary

Sen. Karl Rhoads, Chair

Sen. Mike Gabbard, Vice-Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN SUPPORT OF HB2090 HD1 SD1 — RELATING TO HOUSING

Aloha Chair Rhoads, Vice-Chair Gabbard, and other Committee members,

The Grassroot Institute of Hawaii would like to offer its **strong support** for [HB2090 HD1 SD1](#), which would direct the counties to allow for residential uses in all areas zoned for commercial use — except areas under the authority of the Hawai'i Community Development Authority — starting no later than Jan. 1, 2025.

It also would allow for the construction of “micro units” with a minimum size of 220 square feet, as well as, quote, “allow for adaptive reuse to meet the interior environment requirements of the International Building Code; and provide for an exemption to any requirements regarding additional off-street parking or park dedication; provided that the building’s floor area, height, and setbacks do not change as a result of adaptive reuse,” unquote.

Together, these changes would boost Hawaii’s housing stock and foster the creation of vibrant, walkable communities, as discussed in the Grassroot Institute’s recent policy report, “How to facilitate more homebuilding in Hawaii.”¹

¹ Jonathan Helton, [“How to facilitate more homebuilding in Hawaii.”](#) Grassroot Institute of Hawaii, December 2023.

Our report recommended that Hawaii’s counties allow “residential uses in all existing business-related zones,” and that “such residential uses should not be limited to either the ground floor or floors above the ground floor; all floors should be available for use as dwelling units.”²

This bill currently would allow the counties to limit residential use in converted commercial buildings to only floors above the ground floor. Nevertheless, if that can’t be broadened to include residences on the ground floor as well, this bill would be a major step toward recognizing the economic and social value that mixed-use neighborhoods can have on our local communities.

In the brief, Grassroot discussed how it was common prior to the advent of the automobile to find buildings with both commercial and residential uses in the same neighborhoods.³

“It was normal for watchmakers, bakers, lawyers and all sorts of other business people to live in the same buildings in which they worked,” the report said. “Their stores or offices were usually on the bottom floors, and their living quarters were typically on the floor or floors above or in an apartment in back.”

Economically speaking, it makes sense to build more housing in urban areas because water and wastewater infrastructure is usually already present. It also is sometimes cheaper to convert a commercial building to housing than it is to start a structure from scratch.

From a social standpoint, research indicates that mixed-use buildings save people money on transportation and promote walking, which can lead to many health benefits. Just as important, they give people a variety of lifestyles to choose from when deciding where to live.

Our policy brief also noted the success that Los Angeles has had with its adaptive reuse ordinance, which it authorized in 1999.⁴ As stated in brief, the LA ordinance:

>> Allowed buildings to change uses from commercial to residential “by right” — that is, automatically — without going before a council or commission where the project could be voted up or down.

>> Exempted adaptive reuse projects from California Environmental Quality Act review.

>> Relaxed parking and loading-space mandates.

>> Allowed one-story rooftop additions automatically.

² [Ibid](#), p. 16.

³ Jonathan Helton, [“How to facilitate more homebuilding in Hawaii.”](#) Grassroot Institute of Hawaii, December 2023, p. 15.

⁴ [Ibid](#), pp. 8-10.

>> And added a new building code section to specify requirements for adaptive reuse projects.

These policy changes enabled builders to bypass regulations that would have held up their efforts to create new housing or otherwise find new uses for existing buildings — and have led to the construction of 12,000 units in the city’s downtown area since the ordinance was enacted.

I hope all this information will encourage you to approve HB2090 HD1 SD1.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII

COMMITTEE REFERRAL: JDC

APRIL 2, 2024

HB 2090, HD1, SD1, RELATING TO HOUSING

POSITION: SUPPORT

The Democratic Party of Hawai'i **supports** HB 2090, HD1, SD1, relating to housing. Pursuant to the “Housing” section of the official Democratic Party of Hawai'i platform, the party believes “that each and every person should have access to safe, stable and adequate housing regardless of ability to pay,” and supports “policies that deliver housing that is affordable to people at the bottom of the income scale where the need is greatest.”

Housing is a human right.

Hawai'i residents face the second-highest housing costs in the nation, at more than twice the national average. **Researchers who authored the National Low Income Housing Coalition's Out of Reach 2023 report found that a full-time worker would need to earn \$41.83/hour to afford a two-bedroom apartment at fair market value in our state, with Honolulu experiencing a 67 percent increase in fair market rent between 2005 and 2015.** Average rent for a two-bedroom unit surpassed \$2,000 in recent years, with minimum wage workers needing to log 107 hours per week to afford a modest one-bedroom apartment at fair market value and 139 hours per week to afford a two-bedroom—a number that is equivalent to working nearly 20 hours a day with no days off year-round.

One out of every four households in Hawai'i report that they are "doubling up" or are three paychecks or less away from being homeless, per the Hawai'i Appleseed Center for Law and Economic Justice. Additionally, over 60 percent of households are severely cost-burdened, meaning that they pay more than 30 percent of their income on housing, a number that rises to over 80 percent of extremely low-income households. Notably, housing costs increased during the pandemic. In Honolulu, median single-family home prices reached a record of \$1.15 million in April of 2022, driven largely by sales to residential property investors. Unsurprisingly, our state is experiencing population decline. Hawai'i saw domestic out-migration increase for a seventh consecutive year in 2023, as our high cost of living continued to push people to the mainland.

We must develop innovative solutions to address our state's housing crisis, including renovating commercial buildings for residential purposes. By revitalizing the practice of mixing commercial and residential uses that was frequently found in older commercial areas, like Honolulu's Chinatown, we can preserve or restore the historic character of important commercial areas, while producing much-needed affordable housing supply to meet the needs of local families. Renovating existing commercial structures is less costly than constructing new developments and could qualify for a 20 percent federal income tax credit (for historic income-producing structures) and 30 percent state income tax credit (regardless of economic production) for qualifying rehabilitation expenses.

We cannot allow local families to be priced out of paradise. We must pass proactive measures to ensure that working families and future generations can afford to call Hawai'i home.

Mahalo nui loa,

Kris Coffield

Co-Chair, Legislative Committee
(808) 679-7454
kriscoffield@gmail.com

Abby Simmons

Co-Chair, Legislative Committee
(808) 352-6818
abbyalana808@gmail.com



April 02, 2024

TO: Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

Honorable Mike Gabbard, Vice-Chair
Senate Committee on Judiciary

FROM: Reid Mizue, President
Legislative Advocacy Committee (LAC)
American Institute of Architects, Hawaii State Council

SUBJECT: **House Bill 2090 HD1 SD1
Relating to Housing**

The American Institute of Architects

AIA Hawaii State Council
828 Fort Street Mall, Suite 100
Honolulu, HI 96813

T (808) 628-7243
contact@aiahonolulu.org
aiahonolulu.org/AIAHawaiiStateCouncil

Dear Chair McKelvey, Vice-Chair Gabbard and Members of the Committee,

My name is Reid Mizue, President of the American Institute of Architects (AIA) Hawaii State Council, providing **COMMENTS** on HB 2090 HD1 SD1. AIA is a national professional architect society with 96,000 members; with some +800 members in Hawaii. AIA has following concerns:

- While housing is state-wide concern, the bill intrudes into customary responsibility of four counties that are closer to land / people and devote more time than state legislature to carefully craft ordinance for adaptive reuse of commercial buildings into residential buildings.
- Bill language continues to and repeatedly confuses ministerial “building code” with discretionary “zoning code” that regulate two different issues in built environment.
- AIA requests **Section 3 entirely deleted**; based on our Page 4 comments.

Page 3 comments

Line 11: Revise “building code” to “zoning code” because “zoning” is being regulated. Adaptive reuse of existing commercial buildings is **already allowed** in state building codes based on International Building Code IBC and International Existing Building Code IEBC; then adopted in county building codes. “Commercial building” is actually several kinds of buildings that have much better detailed definitions in county zoning ordinances.

Lines 15-19: With respect to both §46 (b) (1) (2) add language **“as published by the International Code Council.”** Hence, both state

and county building codes **cannot** amend these national model code provisions. AIA concurs with (1) and (2) being requested to overrule very specific provisions of existing county codes.

Lines 20-21 through Page 4 lines 1-2: AIA concurs with DPP previous testimony regarding park dedication. Existing commercial buildings do not have any dedicated park on-site or have not paid any park dedication fee in lieu of that reasonable housing requirement.

Page 4 comments

Lines 13- 20: Omit Section 3. Unnecessary – because of better specific language of Page 3 lines 15-19 referencing ICC national model code. Incorrect - because adaptive reuse of existing commercial buildings is to be regulated under county building codes – not under state building code for state-funded buildings.

Dangerous - referring to § 46-B allows owners / developers who already challenge IBC and IEBC to claim that adaptive reuse of existing buildings is inhibited by building codes. Amending the broadly-worded §107-26 in Section 3 reads as state legislative pre-emption of all building safety and energy codes if these inhibit adaptive reuse.

Building codes do not inhibit architect design of adaptive reuse. Building codes add varying construction costs for residential life-safety based on existing commercial building being adapted. People are awake in commercial buildings. They are asleep for almost 50% of the time in residential buildings.

One good example is “occupancy fire separations” IBC Table 508.3.3 that prescribe certain minimum levels of fire protection in the floor separating residential use from commercial use. Building structure supporting the floor must also have minimum code fire-rating. For buildings like existing Bishop Street concrete office building, this is not adaptation problem. But shorter commercial buildings of wood construction may require upgraded occupancy fire separation between commercial and residential uses. Adding fire-sprinklering is credit reducing fire-rating by one hour when such system is more cost-efficient in some older wooden buildings. It takes building code to allow this.

In current state legislature there is huge misunderstanding that building codes only add construction cost. Building codes set minimum “professional standard-of-care” that, as in medical care, architects and owners owe to the public who inhabit, own and visit our buildings. As in example above, the code sets minimum occupancy fire separation in hours of fire-rating. Without code there

would be no accepted hours of fire-rating within which architects/owners are not liable to public. Every time the code is relaxed by citing construction costs the “standard-of-care” to the public is reduced. Or the “standard-of-care” confusingly varies by which county the building is in.

Potential for incompatible uses

We urge the Legislature to not prioritize housing to detriment of county zoning long-intended to support other uses. That’s why House has consistently opposed residential use in potentially noisy Kakaako Makai. In many county-zoned business and industrial districts, housing is “accessory use” Termed “accessory” because the primary use is business-oriented and needs of housing take “back seat” to primary commercial zoning. In industrial districts, Honolulu already allows one residential unit per lot for off-hour security and often as owner’s residence. Any further housing is discouraged because of inherently incompatible uses and scarcity of industrial-zone lands.

Thank you for this opportunity to present **COMMENTS**.
Mahalo for your assistance.

Sincerely,



Reid Mizue, AIA
American Institute of Architects, Hawaii State Council



**HAWAII STATE SENATE
COMMITTEE ON JUDICIARY
Conference Room 016 & Videoconference
10:05 AM**

April 2, 2024

Honorable Chair Rhoads, Vice-Chair Gabbard, & members of the Committee:

Subject: HB 2090 - RELATING TO HOUSING

My name is Max Lindsey, Government Relations Committee Chair 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.

HB 2090 proposes to allow residential uses in areas zoned for commercial use to be considered permitted under certain circumstances, and requires, no later than 1/1/2026, each county to adopt or amend its ordinances to allow for adaptive reuse of existing commercial buildings in the county's building codes.

BIA-Hawaii is in **strong support** of HB 2090 as it provides opportunities to increase the supply of housing at all price points in areas with existing infrastructure. As the Legislature is well aware, there is a critical need for more housing in Hawaii. Typically, large scale housing developments have occurred in "greenfield" developments which required significant upfront cost for major regional infrastructure projects (i.e. sewer, water, drainage, roads, etc.).

By creating opportunities to develop multi-family projects on all non-residential zoned lands in each county, developers will not have to incur large infrastructure costs if sufficient capacity is available at the project site. Counties should also consider relaxing some of the height, setback, parking and density requirements to further incentivize investment in developing more housing. These types of developments will also create mixed-use neighborhoods where residents can live-work-play in one area.

We are in **strong support** of HB 2090, and appreciate the opportunity to provide our comments on this matter.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
Tuesday, April 2, 2024 AT 10:05 A.M.

To The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the committee on Judiciary

SUPPORT HB2090 HD1 SD1 RELATING TO HOUSING

The Maui Chamber of Commerce would like to **SUPPORT HB2090 HD1 SD1**.

The Maui Chamber of Commerce notes that reuse of commercial buildings for residential purposes can make an important contribution to easing Hawai'i's housing shortage. The commercial centers of most older communities had a mix of commercial and residential uses. Residential units were frequently found on the upper floors of commercial structures above the commercial spaces. Reintroducing such mixed uses is a return to the historic character of these communities, while increasing the stock of available housing units. Such reuse also supports protection of the historic character of these commercial centers, which are often defining elements of their physical and social character.

Adaptive reuse of existing structures is often significantly less expensive than building new, even when the building being rehabilitated is significantly deteriorated and in need of introduction of critical upgrades to meet contemporary expectations and standards.

Affordability of these units is key, and we recognize that commercial zoned properties pay a higher real property tax rate than residential/long-term rental properties in Maui County. We understand real property tax rates are under the purview of the counties and that property taxes are assessed at highest and best use. However, we feel it would be helpful for the state to include or have the counties include a property tax credit for property owners who rent residential units in their commercial properties for long-term rentals.

Mahalo for the opportunity to **SUPPORT HB2090 HD1 SD1**.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



Hawaii's Thousand Friends

335 Hahani Street #342132 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htf3000@gmail.com

April 2, 2024

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee Members

HB 2090 HD1 SD1 RELATING TO HOUSING

Hawaii's Thousand Friends, a statewide non-profit water and land use planning organization dedicated to protecting the environment, human health, and cultural and natural resources **opposes** HB 2090 HD1 SD1, which **requires** counties to permit housing on commercially zoned parcels.

HB 2090 HD1 SD1 is anti-home rule and exemplifies the State's disregard for the county's role in land use planning under HRS 46-4 that *zoning in all counties shall be accomplished with the framework of a long-range, comprehensive General Plan to guide the overall future development of the county and zoning shall be one of the tools available to the county to put the General Plan into effect in an orderly manner.*

HRS 46-1.5 also directs the counties to:

(D) Enact zoning ordinances providing that lands deemed subject to seasonable, periodic, occasional flooding shall not be used for residence or other purposes in a manner as to endanger the health or safety of the occupants thereof, as required by the Federal Flood Insurance Act of 1956... and

(13) ...enact ordinances deemed necessary to protect health, life, and property, and to preserve the order and security of the county and its inhabitants...

HB 2090 HD1 SD1 eliminates public participation in planning for their communities because under this new law all applications *shall* be approved administratively and not open or available for public input or discussion.

Currently the Honolulu City Council is reviewing the Land Use Ordinance, which includes adding residential in commercial zoning where appropriate. This is an open process where public input is sought and considered.

HB 2090 HD1 SD1 is anti-home rule, overreach into the counties authority and denies residents the opportunity to participate in planning for their communities.

HB-2090-SD-1

Submitted on: 4/1/2024 5:43:37 PM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
David Z. Arakawa	Testifying for Land Use Research Foundation of Hawaii	Support	Written Testimony Only

Comments:

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. One of LURF’s missions is to 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 is in **strong support of HB 2090, HD1, SD1 Relating to Housing**, which beginning January 1, 2025, allows residential uses in areas zoned for commercial use to be considered permitted under certain circumstances; and requires, no later than January 1, 2025, each county to adopt or amend its ordinances to allow for *adaptive reuse* of existing commercial buildings in the county's building codes. The proposed act takes effect on July 1, 20491. (SD1)

Hawaii has a severe shortage of housing supply, due to among other things, strict zoning laws that limit the flexibility of development and mixed use of lands, excessive government regulations that increase building costs, and government requirements that force homebuilders to pay the upfront costs of infrastructure and impact fees. The limited housing supply and high costs of government requirements have resulted in soaring housing prices that local residents cannot afford.

This measure will substantially raise the number of housing units in commercial areas by permitting *adaptive reuse* of commercial buildings for mixed commercial and residential uses, which will enable residents to live, work and play in the same revitalized neighborhoods. Up-front infrastructure costs for housing will be substantially decreased because the commercial areas already have necessary utility and transportation infrastructure; housing alternatives in commercial areas will lessen the need to develop housing on agricultural lands; and the mixed-use communities will reduce long commutes, encourage multi-modal transportation alternatives that reduce traffic congestion, and lower carbon emissions.

For the above reasons, LURF is in **strong support of HB 2090, HD1, SD1**, and respectfully requests your favorable consideration.

Thank you for the opportunity to testify regarding this matter.

HB-2090-SD-1

Submitted on: 3/27/2024 8:24:58 PM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Pablo Wegesend	Individual	Support	Written Testimony Only

Comments:

The shortage of affordable housing is the biggest threat to the well-being of the people of Hawaii. We need more supply of housing. By converting previously commercial space into new housing, we can get more people into homes and have less people leave Hawaii in desperate for "greener pastures".

HB-2090-SD-1

Submitted on: 3/31/2024 10:02:21 AM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Audrey Lee	Individual	Oppose	Written Testimony Only

Comments:

While we would all love to resolve our housing needs with a surplus of unused office buildings, the critical question is will the changes in use be able to be accommodated in those older buildings? Currently, the older condo buildings are having to replumb entire buildings due to the original plumbing basically falling apart. This has cost millions of dollars to redo the plumbing per building. Are the developers proposing to replumb before making residential units available? Are they going through EIS requirements needed for those specific buildings targeted since not all buildings are the same and should not be under a blanket exemption? Developers, realtors, and anyone who is aware of those consequences may be setting aside their knowledge for a fast buck or fast change that looks good. If potential developers and those supporting changes can address and resolve these kinds of things thereby creating a long term solution, then we will have a solution that will work. Until then, stop gap measures and letting our community and government 5-10 years from now deal with messes made now are not solutions we should be banking on.

I strongly oppose this bill as is. The intent is good, but the bill is not.

HB-2090-SD-1

Submitted on: 3/30/2024 2:46:48 PM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerry Clarin	Individual	Support	Written Testimony Only

Comments:

To whom it may concern,

I am Gerry Clarin, and I'm writing to express my support for initiatives addressing Hawaii's housing crisis, particularly through adaptive reuse projects.

Living in Hawaii and looking for a home I've seen firsthand the struggle to find affordable housing. Projects like repurposing the former Walmart building and Davies Pacific Center offer hope by converting underused spaces into homes.

However, bureaucratic hurdles like outdated zoning rules delay progress. Bills like HB2090 can streamline this process by allowing residential use in commercial zones and mandating adaptive reuse provisions in building codes.

I urge policymakers to prioritize these measures. Let's ensure a future where everyone has access to safe, affordable housing.

Thank you for your attention.

Sincerely,

Gerry Clarin

HB-2090-SD-1

Submitted on: 3/30/2024 3:32:10 PM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephen T Hazam	Individual	Support	Written Testimony Only

Comments:

Please SUPPORT HB2090 HD1 SD1

The allowance of adaptive reuse gives homebuilders a more efficient way to approach opportunities in areas zoned for commercial use.

Please SUPPORT HB2090 HD1 SD1

Respectfully,

HB-2090-SD-1

Submitted on: 3/30/2024 10:08:53 PM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Support	Written Testimony Only

Comments:

I support this bill.

HB-2090-SD-1

Submitted on: 3/31/2024 11:37:26 AM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Anita Anderson	Individual	Support	Written Testimony Only

Comments:

I SUPPORT HB2090. My husband and I have long looked at unused commercial properties and wondered why they were not being converted to desperately needed residential units. Adaptive reuse is a Win for helping ease Hawaii's housing crisis

HB-2090-SD-1

Submitted on: 4/1/2024 5:19:09 AM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel G. Chun	Individual	Oppose	Written Testimony Only

Comments:

I **OPPOSE** inclusion of Section 3:

Lines 13- 20: Omit Section 3. **Unnecessary** – because of better specific language of Page 3 lines 15-19 referencing ICC national model code. **Incorrect** - because adaptive reuse of existing commercial buildings is to be regulated under county building codes – not under state building code for state-funded buildings. **Dangerous** - referring to § 46-B allows owners / developers who already challenge IBC and IEBC to claim that adaptive reuse of existing buildings is inhibited by building codes. Amending the broadly-worded §107-26 in Section 3 reads as state legislative pre-emption of all building safety and energy codes if these inhibit adaptive reuse.

I helped construct original statute and §107-26 is for clarifying confusion in ICC model codes relatng to Hawaii DCCA Professional and Vocational Licenses. Thus, HRS 464 for Engineers, Architects, Surveyors & Landscape Architects along with HRS 444 for construction contracting is cited. §107-26t was inot intended to add further restrictions upon State Building Council. AND especially not for adding §46-B. Thank you for the opportunity to **OPPOSE** Section 3.

HB-2090-SD-1

Submitted on: 4/1/2024 8:18:14 AM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT.

CREATES HOUSING, REVITALIZE THE AREA, CREATES JOBS.

MAHALO!