

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEES ON HOUSING AND WATER AND LAND

**WEDNESDAY, FEBRUARY 8, 2023
ROOM 312
11:00 A.M.**

**HOUSE BILL NO. 676
RELATING TO DISTRICT BOUNDARY AMENDMENTS**

Chairpersons Hashimoto and Ichiyama and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 676 that authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas 15 acres and greater if the county has adopted an ordinance that meet six requirements. The Department of Agriculture (Department) does not dispute the need for housing in Hawaii, however we have strong concerns about the potential impact on the State's agricultural land resources and agricultural activities should this measure be adopted.

Existing land use permitting processes at the State and county levels explicitly consider the impact that a proposed reclassification or rezoning of agricultural land will have on the petitioned property and adjacent land. This measure acknowledges the need to "complete and incorporate mitigation of the impact on county and state resources, including schools and highways:" (Page 3, lines 15-17) however, we are concerned that the lack of specificity in the guidance to the counties on what their respective ordinances need to consider could lead to unintended adverse impacts on agricultural resources and activities.

At minimum, the Department requests that the following agricultural lands be excluded from the provisions of this measure:

- Lands that are designated as Important Agricultural Lands.



- Lands where the soil is classified by the Land Study Bureau's Detailed Land Classification as Overall (Master) Productivity Rating Class C or lesser.
- Lands that do not abut existing Urban District lands.

Thank you for the opportunity to present our testimony.

HB-676

Submitted on: 2/6/2023 5:31:19 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nani Medeiros	Chief Housing Officer, Office of the Governor, State of Hawaii	Support	Written Testimony Only

Comments:

In support, mahalo.



LAND USE COMMISSION

Komikina Ho'ohana 'Āina

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai wai a Ho'omāka'ika'i

JOSH GREEN, MD
GOVERNOR

DANIEL ORODENKER
EXECUTIVE OFFICER

235 S. Beretania Street, RM 406, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804
Email Address: dbedt.luc.web@hawaii.gov

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February 6, 2023

Statement of
Daniel E. Orodenker
Executive Officer
State Land Use Commission

Before the
**House Committees on Housing
and
Water and Land**

Wednesday February 8, 2023
11:00 AM
State Capitol, Room 312

In consideration of
HB 676
RELATING TO DISTRICT BOUNDARY AMENDMENTS

Chairs Hashimoto and Ichiyama; Vice Chairs Aiu and Poepoe; and members of the House Committees on Housing, and Water and Land:

The Land Use Commission (LUC) provides the following comments on HB 676.

The LUC is not opposed, at this time, to this measure. However, we believe that Constitutional Due Process will require that any county procedure or rules adhere to and incorporate Hawai'i Revised Statutes ("HRS") Chapters 91 and 92 procedures and process to be consistent with past Hawai'i Supreme Court decisions with respect to district boundary reclassifications. In addition, consideration of the Public Trust doctrine will also apply to the counties in their decision-making process. We would therefore suggest that section (d) (6) of the proposed measure be changed to reflect the intent of this measure to adhere to due process requirements and a new section (7) be added.

(6) The procedure set forth in paragraph (1) incorporate due process requirements by requiring district boundary amendments be subject to contested case hearings that are in conformance with Chapters 91 And 92 HRS.

(7) The procedures set forth in paragraph (1) shall incorporate requirements that the Public Trust Doctrine, as set forth in various Supreme Court Decisions shall be adhered to in the granting or denial of any district boundary amendment.

The Commission also feels that the definition of affordable housing should be restricted to at or below 100% of median area incomes, consistent with Governor Green's initiatives on increasing local housing.

Thank you for the opportunity to testify on this matter.

Council Chair
Alice L. Lee



Director of Council Services
Traci N. T. Fujita, Esq.

Councilmembers
Tom Cook
Gabe Johnson
Tasha Kama
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Yuki Lei K. Sugimura
Nohelani U'u-Hodgins

Deputy Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 7, 2023

HOUSE COMMITTEE ON WATER & LAND
Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair
Wednesday, February 8, 2023
11:00 AM

SUBJECT: TESTIMONY IN STRONG OPPOSITION TO HB673 AND HB676

Aloha Chair Ichiyama, Vice-Chair Ho'Poepoe, and honorable committee members,

Mahalo for this opportunity to testify in strong opposition to HB673, authorizing counties to reclassify lands in certain rural, urban, and agricultural districts; and HB676 authorizing counties to determine district boundary amendments.

On behalf of the people of Hawai'i, please defend and strengthen the State Land Use Commission against efforts to undermine the power of the Commission in its purpose to prevent the exploitation and development of Hawaii's limited and valuable land for profit by a few.

The State, through the Land Use Commission, has a constitutional duty to preserve and protect Hawaii's natural resources and lands, and to encourage uses to which those lands and resources are best suited for all.

This bill inverts its purpose of creating more affordable housing by not providing clear parameters for how larger parcels would distribute land for housing local people.

Mahalo for the opportunity to testify in strong opposition to both measures.

Mahalo,

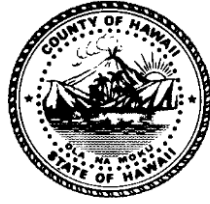
A handwritten signature in black ink that reads "Keani Rawlins-Fernandez".

KEANI RAWLINS-FERNANDEZ
Maui County Council

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i
PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
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February 7, 2023

Testimony by
ZENDO KERN, Planning Director
County of Hawai'i Planning Department
before the
Committee on Housing & Committee on Water & Land
Wednesday, February 8, 2023, 11:00 A.M.
State Capitol, Conference Room 312
In consideration of
HB 676
Relating to District Boundary Amendment

Representative Troy Hashimoto, Chair, Representative Micah P.K. Aiu, Vice Chair and Members of the Committee on Housing:

Representative Linda Ichiyama, Chair, Representative Mahina Poepoe, Vice Chair and Members of the Committee on Water & Land:

The County of Hawai'i fully supports HB 676 as it will provide another option to allow for much needed affordable housing on our island and in our State.

Thank you for this opportunity to testify in **SUPPORT** of HB 676.

February 8, 2023

The Honorable Troy N. Hashimoto, Chair
House Committee on Housing

The Honorable Linda Ichiyama, Chair
House Committee on Water & Land
State Capitol, Conference Room 312 & Videoconference

RE: House Bill 676, Relating to District Boundary Amendments

HEARING: Wednesday, February 8, 2023, at 11:00 a.m.

Aloha Chair Hashimoto, Chair Ichiyama, and Members of the Joint Committees:

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 Hawai'i and its over 11,000 members. HAR **strongly supports** House Bill 676, which authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres if the county has adopted an ordinance that meets certain requirements.

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. Currently, 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 County Council.

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 45,497, housing units to meet demand in Hawai'i by 2030.¹ Ultimately, we have a housing supply problem, and this measure is a creative approach to address those challenges, by allowing the counties to reclassify lands over 15 acres that it owns and retains, provided that the land is used for affordable housing.

For the foregoing reasons, Hawai'i REALTORS® strongly supports this measure. Mahalo for the opportunity to testify,

¹ Department of Business, Economic Development & Tourism. (2019). *Hawaii Housing Demand 2020-2030*. <https://files.hawaii.gov/dbedt/economic/reports/housing-demand-2019.pdf>



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON HOUSING HOUSE COMMITTEE ON WATER & LAND

February 8, 2023 11:00 AM Conference Room 312

In **OPPOSITION** to **HB676**: Relating to District Boundary Amendments

Aloha Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and members of the Committees on Housing and Water & Land,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **opposes HB676**, which could remove important protections for natural and cultural resources, Native Hawaiian traditional and customary practices, food security, employment opportunities, and other public interests in major land use district boundary amendments.

The Land Use Commission ("LUC") has long administered a critical, comprehensive process to identify and mitigate impacts to natural and cultural resources, Native Hawaiian traditional and customary rights, food security, employment opportunities, and other public interests that may be affected by the reclassification of conservation, rural, agricultural, and urban lands. Over the decades, the LUC has garnered substantial institutional knowledge regarding how the public's interests in large-scale land use changes can be consistently protected and balanced, and has effectively and efficiently applied this knowledge to resolve and mitigate conflicts and concerns. Unlike county land use decisionmaking, the quasi-judicial nature of the LUC district boundary amendment process also ensures that testimony and other evidence from experts, cultural practitioners, and other stakeholders are adequately and explicitly considered in district boundary amendment approvals, serving as a key mechanism for objectivity, transparency, and accountability.

Accordingly, the Sierra Club of Hawai'i has significant concerns regarding the proposed elimination of the LUC's role in evaluating and administering land use district boundary amendment petitions of up to 100 acres. The Sierra Club of Hawai'i respectfully suggests that other approaches to facilitating affordable housing development be explored prior to enacting such a significant change to our unique land use and planning framework, which may lead to inadvertent, large-scale, and potentially irrevocable impacts to our islands' environmental, cultural, and socioeconomic landscape.

LUC is not a Barrier to Affordable Housing

With regards to HB676, the Sierra Club does appreciate the intent to promote the production of affordable housing, and the inclusion of additional conditions (particularly in comparison to HB673) to provide for county land ownership and to acknowledge the need for due process¹

¹ It is unclear whether this measure seeks to ensure that county ordinances employ a quasi-judicial contested case hearing process in evaluating land use district boundary amendment petitions. The Sierra Club emphasizes the important role played by this quasi-judicial process in resolving conflicts and mitigating concerns. Long employed by the LUC, the quasi-judicial process specifically permits intervening parties to present expert and kama'āina evidence and testimony and cross-examine witnesses; the quasi-judicial process ensures that evidence on record is

in the potentially vast land use changes that would be exempted from LUC review. **However, the Sierra Club notes that the LUC is not the apparent barrier to affordable housing production it is often purported to be.** The LUC is already required to approve or deny completed district boundary amendment applications within a year of receipt; for section 201H-38 “affordable housing” projects such as those described in HB676, this deadline is shortened to 45 days.² According to LUC staff, throughout the 2010s, all major 201H affordable housing projects were approved by the LUC within the 45 day timeline.³

Notably, by having county planning departments solely shoulder the responsibility of balancing the various cultural, environmental, food security, housing, job production, and other interests and rights of the public in large-scale and complex development proposals involving up to 100 acres of land, this measure may only inhibit their capacity to process other permits and applications (such as for accessory dwelling units, new or retrofitted infrastructure, increased density for existing housing structures, variances, smaller land use changes, etc.) that may be critical to addressing our multi-faceted housing crisis.

The Sierra Club does believe that amendments to the LUC’s authorities could facilitate housing production, and encourages the Committees to explore the potential expansion of the LUC’s enforcement authority. Since 1980, more than 25% of all the housing authorized by the LUC has not yet been built, much of which was proposed to be affordable and workforce housing. On O’ahu alone, 23,000 units approved by the LUC have not been constructed, despite the assurances of district boundary amendment petitioners; this includes Ho’opili (DR Horton), Koa Ridge (Castle & Cooke), Gentry Waiawa (now owned by Kamehameha Schools), and Royal Kunia Phase II. **Providing the LUC with reasonably enhanced enforcement authority will help to encourage developer follow-through on commitments made during the district boundary amendment process, including with regards to the production of affordable housing units. Possible statutory language to accomplish this could read as follows:**

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

(1) Violates; 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,

explicitly considered and used as the basis for transparent decisionmaking, in sharp contrast to the potentially arbitrary quasi-legislative process typically employed by the counties in their land use decisionmaking.

² See <https://luc.hawaii.gov/about/district-boundary-amendment-procedures/>.

³ 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/>.

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."

For the reasons described above, the Sierra Club respectfully urges the Committees to **HOLD** this measure. Mahalo nui for the opportunity to testify.

HB-676

Submitted on: 2/6/2023 7:41:30 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kupuna for the Mo'opuna	Kupuna for the Moopuna	Oppose	Written Testimony Only

Comments:

NO to HB 676

Do not limit the authority of the Land Use Commission. The public needs safeguards that the LUC provides.

Mahalo.

HB-676

Submitted on: 2/7/2023 1:24:11 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sylvia Dolena	Pele Lani Farm LLC	Oppose	Written Testimony Only

Comments:

Oppose HB676

[HB676](#): Authorizes counties to determine district boundary amendments involving land areas over 15 acres if the county has adopted an ordinance that meets certain requirements.

Why this is bad: This bill, like HB673, would reduce the ability of the LUC to oversee large-scale land use district boundary changes. While it has additional conditions that are more carefully tailored to target affordable housing development, it still risks the potential for inadvertent, significant, and long-term if not irrevocable impacts to the public’s environmental, cultural, agricultural, and socioeconomic interests.



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e-mail info@hfbf.org; www.hfbf.org

February 8, 2023

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

TESTIMONY ON HB 676
RELATING TO DISTRICT BOUNDARY AMENDMENTS

Conference Room 312 & Videoconference
11:00 AM

Aloha Chairs Hashimoto and Ichiyama, Vice-Chairs Aiu and Poepoe, and Members of the Committees:

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

The Hawai'i Farm Bureau respectfully opposes HB 676, which authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres if the county has adopted an ordinance that meets certain requirements.

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 Hawai'i 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.

Hawai'i 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 Hawai'i'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 Hawai'i's need for affordable housing should not be allowed to eliminate Hawai'i's use of productive agricultural land.

Thank you for your consideration of our concerns.

HB-676

Submitted on: 2/7/2023 9:48:54 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Moran	Kihei Community Association (KCA)	Oppose	Written Testimony Only

Comments:

Aloha Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, Members of the House Committees on Housing and Water and Land,

Kihei Community Association offers **STRONG OPPOSITION TO BOTH HB 673 AND HB 676**, which propose to circumvent the Land Use Commission in land use designations. The LUC serves are very necessary function in land use in our County, as we have experienced sever times over the past decade

Both bills argue that this will increase the supply of affordable housing. This is disingenuous at best. Both of these measures are a giveaway to developers, construction unions and real estate industry.

Without LUC oversight, County Councils, can be persuaded by the building industry to alter land use designations which has no regard for our environment, climate change, wetland preservation or actually building what our communities need. Without the LUC's checks and balances, planning departments and construction companies will be left unbridled to satiate the luxury development market.

140% AMI is not affordable. If we are going to develop more land for housing, it should be to support our workforce.

Many of you committee members may not recall a few years ago on Maui where a developer tried to circumvent the requirement that any development over 15 acres receive LUC review. This developer had a 30 acre parcel and cleverly decided to split it in half and attempt to get

permits for 2 contiguous 15 acre parcels without LUC oversight. These two bills are a fix and reward for this duplicitous behavior.

We need the LUC's eyes on what is being proposed. That commission helps preserve or environment and upholds community voices.

Please do the right thing and defer both HB 673 AND HB 676.

Mahalo.

Mike Moran, President Kihei Community Assoc.



Feb. 8, 2023

11 a.m.

Conference Room 312

Via Videoconference

To: House Committee on Housing

Rep. Troy Hashimoto, Chair

Rep. Micah Aiu, Vice Chair

House Committee on Water and Land

Rep. Linda Ichiyama, Chair

Rep. Mahina Poepoe, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

HB676 — RELATING TO DISTRICT BOUNDARY AMENDMENTS

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [HB676](#), which authorizes counties to determine district boundary amendments for county-owned land areas greater than 15 acres, provided the counties enact ordinances that meet certain criteria.

These criteria include that all the housing constructed on the lands be affordable for up to 140% of area median income; that the counties retain ownership of the lands for at least 99 years; that the district boundary amendments be consistent with the county or community plans, if such plans exist; and that the counties mitigate the impact the development might have on roads and schools.

This measure correctly diagnoses one of the causes of Hawaii's housing crisis: excessive red tape. The state Land Use Commission's authority over district boundary amendments greater than 15 acres often puts a roadblock in the way of new housing projects.

A Grassroot Institute of Hawaii report, "[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. Expanding the counties' powers to reclassify land through the district boundary amendment process was just one of the report's suggestions.¹

HB676 is a welcome proposal, but too narrow in its focus. County-owned housing projects might benefit from this measure, but should it become law, private homebuilders would remain stuck in the same arduous DBA process.

This measure's potential could be better realized if it were amended to extend to privately held lands as well, not just those owned by the counties.

Additionally, HB676 is ambiguous about the point that the counties own and retain ownership of the lands for 99 years. This raises questions about whether the houses may be sold fee simple or through some other mechanism, such as a leasehold.

Moreover, the length of that term suggests that this situation ± leasehold or fee simple — is intended to end at some point, creating further difficulties for the county and uncertainty around the property itself.

Ultimately, the ambiguity of the 99-year ownership provision, combined with the budgetary and administrative implications involved, creates an unnecessary limit on the power of the counties to use their lands to grow housing.

The fundamental requirement that the counties own the lands makes sense in the context of this bill, but we suggest that the 99-year ownership and maintenance requirements be removed, thereby allowing the counties to develop housing according to local needs.

The measure's limitation to affordable housing projects might also raise project costs for the counties. Known as "inclusionary zoning," this type of set-aside for affordable housing can make private projects financially unfeasible, leading to fewer housing units being constructed.

For example, a 2020 survey of 1,030 municipalities across the U.S. showed that only three had inclusionary zoning requirements higher than 75%: Santa Paula, Calif.; Oxnard, Calif.; and

¹ Jackson Makanikeoe Grubbe, "[Reform the Hawaii LUC to encourage more housing](#)," Grassroot Institute of Hawaii, September 2020.

Aquinnah, Mass.² All three require 100% affordable housing, and all saw housing growth decline by more than 60% during the decade after the policy was adopted, compared to the previous decade.

Change in units built after 100% affordable housing requirement

Municipality	Policy adopted	Units built 2000-2009	Units built 2010-2019	% change
Santa Paula, Calif.	2012	350	118	-66.29%
Oxnard, Calif.	2012	6,948	2,642	-61.97%
Aquinnah, Mass	2016	82	27	-67.07%

Source: [“Selected Housing Characteristics,”](#) U.S. Census Bureau, Table DP04, 2019. [“Inclusionary Housing Database,”](#) Grounded Solutions Network, 2020.

It would be wise to consider amending this measure to eliminate or reduce the inclusionary zoning mandate. This would help prevent the counties from being bogged down in expensive projects that might ultimately slow the construction of new units.

Thank you for the opportunity to submit our comments.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

² [“Inclusionary Housing Database,”](#) Grounded Solutions Network, 2020.



**HOUSE COMMITTEE ON HOUSING, and WATER AND LAND
State Capitol
415 South Beretania Street
11:00 AM**

February 8, 2023

RE: HB 676 - RELATING TO DISTRICT BOUNDARY AMENDMENTS

Chairs Hashimoto & Ichiyama, Vice Chairs Aiu & Poepoe, and members of the committees:

My name is Max Lindsey, 2023 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.

BIA Hawaii is in support of HB 676, Relating to District Boundary Amendments. This bill authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres if the county has adopted an ordinance that meets certain requirements.

The bill addresses the overlapping land use entitlement process used in Hawaii. Allowing the counties to reclassify lands, especially in areas which the county has identified for urban growth, removes the time-consuming process of having the state Land Use Commission reclassify the lands. The counties are responsible for identifying areas for future urban expansion, and are best suited to make these types of urban land use decisions.

Hawaii is in a major housing crisis, which continues to worsen. As the Legislature is aware, the cost of housing in Hawaii is extremely high, with Oahu's median price of homes being currently over \$1 million. Approximately 153,967 U.S. households are priced out of buying a home for every \$1000 increase in price, according to the National Association of Home Builders (NAHB). We are in support of legislation that would allow for the building of much-needed housing at every price point in Hawaii.

Thank you for the opportunity to share our support of HB 676.

LATE

HB-676

Submitted on: 2/7/2023 5:10:33 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Craig Watase	Mark Development, Inc.	Support	Written Testimony Only

Comments:

Aloha.

My name is Craig Watase, President of Mark Development, Inc. and a past president of the Building Industry Association of Hawaii. Mark Development is an affordable housing developer and property manager since 1977.

HB676 is good and will accelerate the development of affordable housing where boundary amendments are an issue.

Thank you for allowing me to share my thoughts.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE HOUSE COMMITTEES ON
HOUSING and WATER & LAND
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 312
WEDNESDAY, FEBRUARY 8, 2023 AT 11:00 A.M.**

To The Honorable Troy N. Hashimoto, Chair
The Honorable Micah P.K. Aiu, Vice Chair
Members of the committee on Housing
To The Honorable Linda Ichiyama, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Water & Land

SUPPORT FOR HB676 RELATING TO DISTRICT BOUNDARY AMENDMENTS

The Maui Chamber of Commerce **supports HB676** which authorizes the appropriate county land use decision-making authority to determine district boundary amendments involving land areas over fifteen acres if the county has adopted an ordinance that meets certain requirements.

The State land use commission (LUC) is responsible for the classification of certain land parcels in the urban, rural, agricultural, and conservation districts. The LUC also acts on land use district boundary amendment petitions involving the reclassification of lands in the conservation district, land areas greater than fifteen acres, and lands delineated as important agricultural lands.

The Chamber feels that enabling the counties to reclassify certain lands intended for affordable housing development in which the county owns, will make larger scale projects (up to 100 acres) economically feasible for 100% affordable housing to be built. Counties are able to reclassify lands that are up to 15 acres in size. Increasing that limit to 100 acres should expedite the permitting process therefore lowering the costs for affordable housing.

For these reasons, we **support HB676**.

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.

HB-676

Submitted on: 2/6/2023 5:30:31 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Legrande	Individual	Oppose	Written Testimony Only

Comments:

The Land Use Ordinance was put in place to provide reasonable and thoughtful planning as far as our land use for these precious Islands. Please do not try to adjust them to fit the needs that we have now that would be counter-productive to the Island lifestyle that is so necessary for the good of the people. Make the hard call .. there are limitations that must be made. We elected you folks to do the right thing for the locals. Please do it. Thank you, Linda Legrande

HB-676

Submitted on: 2/6/2023 5:47:58 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
jerry lam	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and members of the House Committees on Housing and Water and Land

I STRONGLY OPPOSE BOTH HB 673 AND HB 676, which propose to circumvent the Land Use Commission’s power to redistrict lands.

Both bills argue that this will increase the supply of affordable housing, but that’s not what they would do – they are a giveaway to developers and unscrupulous realtors.

Unlike the LUC, County Councils make final land use decisions, and developers can donate to their campaigns. Reducing the current limits on Council powers removes important protections for `āina around the state. This is also being done supposedly to increase affordable housing, but “affordability” is defined so broadly that it includes market rate units affordable to people making 140% of area median income. If we are going to develop more land for housing, it should not be for the people who can already afford to buy housing, and it should not be in return for urbanizing large tracts of ag land for the wealthy.

Please **HOLD both HB 673 AND HB 676.** Mahalo nui!

HB-676

Submitted on: 2/6/2023 6:15:48 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David Robichaux	Individual	Support	Written Testimony Only

Comments:

David Robichaux President North Shore Consultants, LLC, Planning and permitting for over 30 Years. Each County now has competent planners and a better vision on how to define their space. This is a good step toward eliminating duplicative efforts within government.

HB-676

Submitted on: 2/6/2023 6:32:05 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jody Smith	Individual	Oppose	Written Testimony Only

Comments:

The Land Use Commission should not be undermined by providing a loophole from their review. Intelligent construction of affordable housing involves careful review -- the impacts of land development are fairly permanent and must be done with an understanding of the repercussions of our wildlife and natural resources. Don't short cut LUC review!

HB-676

Submitted on: 2/6/2023 6:36:29 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
tlaloc tokuda	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and Members of hte Committee,

My name is Tlaloc Tokuda and I rSTRONGLY OPPOSE HB676. There are a range of public interests that may be impacted, potentially for generations, by large scale land use changes. These interests - environmental, cultural, agricultural, socioeconomic, and others – must be carefully and transparently balanced, to address concerns, minimize unnecessary impacts, and minimize conflict and controversy. The Land Use Commission has decades of experience in doing just this, and should not have its ability to oversee land use district reclassifications limited or eliminated.

Even with the conditions proposed under this measure, this bill still poses the risk of unintended consequences and unnecessary impacts to a wide range of public interests by forcing county planning departments to take on the new burden of solely administering large-scale land use district reclassification petitions. This could even have the inadvertent effect of delaying affordable housing production, by reducing planning departments’ capacity to administer other permits and applications needed for housing development and redevelopment.

Rather than reduce the LUC’s authority, the Committees may wish to consider providing it with enforcement tools that can better hold developers accountable when they fail to produce promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved.

Accordingly, I respectfully urge the Committees to HOLD HB673.

Mahalo for your consideration

tlaloc tokuda

Kailua Kona HI 96740

HB-676

Submitted on: 2/6/2023 6:43:41 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Millicent Cox	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and members of the House Committees on Housing and Water and Land

I STRONGLY OPPOSE BOTH HB 673 AND HB 676, which propose to circumvent the Land Use Commission’s power to redistrict lands.

Both bills argue that this will increase the supply of affordable housing, but that’s not what they would do – they are a giveaway to developers and unscrupulous realtors.

Unlike the LUC, County Councils make final land use decisions, and developers can donate to their campaigns. Reducing the current limits on Council powers removes important protections for `āina around the state. This is also being done supposedly to increase affordable housing, but “affordability” is defined so broadly that it includes market rate units affordable to people making 140% of area median income. If we are going to develop more land for housing, it should not be for the people who can already afford to buy housing, and it should not be in return for urbanizing large tracts of ag land for the wealthy.

Please **HOLD both HB 673 AND HB 676**. Mahalo nui!

HB-676

Submitted on: 2/6/2023 6:46:31 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Katrina Ahia	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and Members of the committee,

My name is Katrina Ahia and I respectfully OPPOSE HB676. There are a range of public interests that may be impacted, potentially for generations, by large scale land use changes. These interests - environmental, cultural, agricultural, socioeconomic, and others – must be carefully and transparently balanced, to address concerns, minimize unnecessary impacts, and minimize conflict and controversy. The Land Use Commission has decades of experience in doing just this, and should not have its ability to oversee land use district reclassifications limited or eliminated.

Even with the conditions proposed under this measure, this bill still poses the risk of unintended consequences and unnecessary impacts to a wide range of public interests by forcing county planning departments to take on the new burden of solely administering large-scale land use district reclassification petitions. This could even have the inadvertent effect of delaying affordable housing production, by reducing planning departments’ capacity to administer other permits and applications needed for housing development and redevelopment.

Similiarly to the testimony I offered for HB673, I feel very strongly that delegating these decisions to the counties - and Maui County in particular, is a horrible option that has a high probability of resulting in devastating consequences for public interests.

Rather than reduce the LUC’s authority, the committees may wish to consider providing it with enforcement tools that can better hold developers accountable when they fail to produce promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved.

Accordingly, I respectfully urge the committees to HOLD HB676. Mahalo nui for the opportunity to testify.

HB-676

Submitted on: 2/6/2023 7:01:21 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Oppose	Written Testimony Only

Comments:

I respectfully OPPOSE HB676. There are a range of public interests that may be impacted, potentially for generations, by large scale land use changes. These interests - environmental, cultural, agricultural, socioeconomic, and others – must be carefully and transparently balanced, to address concerns, minimize unnecessary impacts, and minimize conflict and controversy. The Land Use Commission has decades of experience in doing just this, and should not have its ability to oversee land use district reclassifications limited or eliminated.

Even with the conditions proposed under this measure, this bill still poses the risk of unintended consequences and unnecessary impacts to a wide range of public interests by forcing county planning departments to take on the new burden of solely administering large-scale land use district reclassification petitions. This could even have the inadvertent effect of delaying affordable housing production, by reducing planning departments’ capacity to administer other permits and applications needed for housing development and redevelopment.

Rather than reduce the LUC’s authority, the committees may wish to consider providing it with enforcement tools that can better hold developers accountable when they fail to produce promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved.

Accordingly, I respectfully urge the committees to HOLD HB673. Mahalo nui for the opportunity to testify.

HB-676

Submitted on: 2/6/2023 7:41:56 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Vernelle Oku	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and members of the House Committees on Housing and Water and Land

I STRONGLY OPPOSE BOTH HB 673 AND HB 676, which propose to circumvent the Land Use Commission’s power to redistrict lands.

Both bills argue that this will increase the supply of affordable housing, but that’s not what they would do – they are a giveaway to developers and unscrupulous realtors.

Unlike the LUC, County Councils make final land use decisions, and developers can donate to their campaigns. Reducing the current limits on Council powers removes important protections for `āina around the state. This is also being done supposedly to increase affordable housing, but “affordability” is defined so broadly that it includes market rate units affordable to people making 140% of area median income. If we are going to develop more land for housing, it should not be for the people who can already afford to buy housing, and it should not be in return for urbanizing large tracts of ag land for the wealthy.

Please **HOLD both HB 673 AND HB 676**. Mahalo nui!

Aloha,

Vernelle Oku

HB-676

Submitted on: 2/6/2023 8:02:10 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
L. Osterer	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and Members of the committee,

This bill would reduce the ability of the Land Use Commission to oversee large-scale land use district boundary changes. While it has additional conditions that are more carefully tailored to target affordable housing development, it still risks the potential for inadvertent, significant, and long-term if not irrevocable impacts to the public’s environmental, cultural, agricultural, and socioeconomic interests/ The LUC has the most experience in evaluating these impacts using PUBLIC INPUT. Therefore the PUC should not have its ability to oversee land use district reclassifications limited or eliminated. Rather than skirting the issue, a mechanism is needed for the developers to be held accountable when for promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved. The county has not held them responsible or enforced agreements, so putting the county in charge seems counter productive.

HB-676

Submitted on: 2/6/2023 8:33:31 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Puppione	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and Members of the committee,

My name is Greg and I respectfully OPPOSE HB676. There are a range of public interests that may be impacted, potentially for generations, by large scale land use changes. These interests - environmental, cultural, agricultural, socioeconomic, and others – must be carefully and transparently balanced, to address concerns, minimize unnecessary impacts, and minimize conflict and controversy. The Land Use Commission has decades of experience in doing just this, and should not have its ability to oversee land use district reclassifications limited or eliminated.

Even with the conditions proposed under this measure, this bill still poses the risk of unintended consequences and unnecessary impacts to a wide range of public interests by forcing county planning departments to take on the new burden of solely administering large-scale land use district reclassification petitions. This could even have the inadvertent effect of delaying affordable housing production, by reducing planning departments' capacity to administer other permits and applications needed for housing development and redevelopment.

Rather than reduce the LUC's authority, the committees may wish to consider providing it with enforcement tools that can better hold developers accountable when they fail to produce promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved.

Accordingly, I respectfully urge the committees to HOLD HB676. Mahalo nui for the opportunity to testify.

*Sincerely,
Greg Puppione*

HB-676

Submitted on: 2/6/2023 9:24:05 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE

HB-676

Submitted on: 2/6/2023 9:55:54 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
janice palma-glennie	Individual	Oppose	Written Testimony Only

Comments:

aloha,

as does hb673, this bill would reduce the opportunity for public input by minimizing the ability of the LUC to oversee large-scale land use district boundary changes. While it has additional conditions that are more carefully tailored to target affordable housing development, it still risks the potential for inadvertent, significant, and long-term if not irrevocable impacts to the public's environmental, cultural, agricultural, and socioeconomic interests.

Mahalo for voting "NO" on HB 676.

sincerely,

janice palma-glennie

kailua-kona

HB-676

Submitted on: 2/6/2023 10:11:28 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Seth Kamemoto	Individual	Oppose	Written Testimony Only

Comments:

I am a State of Hawaii resident testifying on behalf of myself in **opposition** to HB676. The proposed change is much too broad; the proposed additional section (d) is not bounded by land type or land area. It could be applied to the entire conservation watershed in upper Manoa Valley, or all of Diamond Head or Haleakala or Mauna Kea.

And the bounding clause in (d)(4) isn't strong enough. The key phrase "consistent with" as it applies to "the applicable county general plan or community development plan" is up to interpretation. We've already seen cases, such as Kuilei Place, where they exempted themselves from the Environmental Assessment (EA) process using a clause like: "is consistent with the existing county zoning classification that allows housing" (HAR 11-200.1-15(c)(10)(C)) even though the existing county zoning classification is A-2 and the proposed project is essentially AMX-3. I don't consider high-density mixed-use necessarily "consistent" with medium-density residential but I suppose I'm not the one granting said exemptions.

Thank you for your consideration.

HB-676

Submitted on: 2/6/2023 11:11:41 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lucienne de Naie	Individual	Oppose	Written Testimony Only

Comments:

Please do not allow large scale developments to bypass the expertise of the State LUC.

Mahalo

Lucienne de Naie

Huelo, Maui, Hawaii

HB-676

Submitted on: 2/6/2023 11:37:47 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jolyn Okimoto	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and Members of the committee,

My name is Jolyn Okimoto and I am writing to OPPOSE HB676. The bill says it will increase affordable housing. However, what is clear is that this bill, like HB673, would reduce the ability of the LUC to oversee large-scale land use district boundary changes. This weakening of the Commission risks the potential for inadvertent, significant, and long-term if not irrevocable impacts to the public's environmental, cultural, agricultural, and socioeconomic interests.

Further, the definition of what is affordable housing is concerning. Like HB673, "affordable" is defined by persons and families earning 140% of area median income, which is actually market rate housing. That is, if one earns 140% of area median income, by definition you are better off than over half of the people in the area.

I ask that you please DEFER HB673. Thank you for the opportunity to testify.

Sincerely,

Jolyn Okimoto, Honolulu resident

HB-676

Submitted on: 2/7/2023 7:00:12 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and Members of the committee,

My name is Michele Nihipali and I respectfully OPPOSE HB676. There are a range of public interests that may be impacted, potentially for generations, by large scale land use changes. These interests - environmental, cultural, agricultural, socioeconomic, and others – must be carefully and transparently balanced, to address concerns, minimize unnecessary impacts, and minimize conflict and controversy. The Land Use Commission has decades of experience in doing just this, and should not have its ability to oversee land use district reclassifications limited or eliminated.

Even with the conditions proposed under this measure, this bill still poses the risk of unintended consequences and unnecessary impacts to a wide range of public interests by forcing county planning departments to take on the new burden of solely administering large-scale land use district reclassification petitions. This could even have the inadvertent effect of delaying affordable housing production, by reducing planning departments’ capacity to administer other permits and applications needed for housing development and redevelopment.

Rather than reduce the LUC’s authority, the committees may wish to consider providing it with enforcement tools that can better hold developers accountable when they fail to produce promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved.

Accordingly, I respectfully urge the committees to HOLD HB673. Mahalo nui for the opportunity to testify.

Sincerely,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

HB-676

Submitted on: 2/7/2023 7:44:55 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nako'o Warrington	Individual	Oppose	Written Testimony Only

Comments:

No to HB 676

HB-676

Submitted on: 2/7/2023 7:58:03 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl hendrickson	Individual	Oppose	Written Testimony Only

Comments:

I respectfully OPPOSE HB676. There are a range of public interests that may be impacted, potentially for generations, by large scale land use changes. These interests - environmental, cultural, agricultural, socioeconomic, and others – must be carefully and transparently balanced, to address concerns, minimize unnecessary impacts, and minimize conflict and controversy. The Land Use Commission has decades of experience in doing just this, and should not have its ability to oversee land use district reclassifications limited or eliminated.

Even with the conditions proposed under this measure, this bill still poses the risk of unintended consequences and unnecessary impacts to a wide range of public interests by forcing county planning departments to take on the new burden of solely administering large-scale land use district reclassification petitions. This could even have the inadvertent effect of delaying affordable housing production, by reducing planning departments’ capacity to administer other permits and applications needed for housing development and redevelopment.

Rather than reduce the LUC’s authority, the committees may wish to consider providing it with enforcement tools that can better hold developers accountable when they fail to produce promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved.

HB-676

Submitted on: 2/7/2023 8:04:47 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristine Kubat	Individual	Oppose	Written Testimony Only

Comments:

The LUC is not the barrier to affordable housing as certain developers claim. No completed affordable housing application has been denied within the 45-day statutory deadline imposed on the LUC. Instead we find tens of thousands of housing units approved by the LUC, but never built.

Don't be fooled by spurious arguments and false promises. The answer is holding developers accountable. It's not that they can't build affordable housing; they don't want to because the profit margins are low. The extraordinary profits made from luxury housing have corrupted the industry. The answer is compelling developers to complete affordable housing projects before permitting any more luxury developments.

HB-676

Submitted on: 2/7/2023 8:19:42 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and Members of the committee,

My name is Lory Ono, and I respectfully OPPOSE HB676. There are a range of public interests that may be impacted, potentially for generations, by large scale land use changes. These interests - environmental, cultural, agricultural, socioeconomic, and others – must be carefully and transparently balanced, to address concerns, minimize unnecessary impacts, and minimize conflict and controversy. The Land Use Commission has decades of experience in doing just this, and should not have its ability to oversee land use district reclassifications limited or eliminated.

Even with the conditions proposed under this measure, this bill still poses the risk of unintended consequences and unnecessary impacts to a wide range of public interests by forcing county planning departments to take on the new burden of solely administering large-scale land use district reclassification petitions. This could even have the inadvertent effect of delaying affordable housing production, by reducing planning departments’ capacity to administer other permits and applications needed for housing development and redevelopment.

Rather than reduce the LUC’s authority, the committees may wish to consider providing it with enforcement tools that can better hold developers accountable when they fail to produce promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved.

Accordingly, I respectfully urge the committees to HOLD HB673. Mahalo nui for the opportunity to testify.

Sincerely,

Lory Ono

HB-676

Submitted on: 2/7/2023 8:42:33 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David Shizuma	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition to HB676.

While I understand the demand for expedited housing to improve our situation for affordable housing, I do not believe that HB676 provides a fair and just way to go about this. My concern lies within the suggested amendment called out on page 2, line 18 of this bill. This amendment to Section 205-3.1 undermines the land use commission and can be abused in the future. It calls out a mere 1% of the land being applied for a district boundary amendment to be used for affordable housing, for properties of more than 15 acres. That is an absurd requirement, as large amounts of land can have their designations changed while only utilizing a minimal area for affordable housing. This completely undermines the land use commission and puts the future of our resources and our communities at risk. Please do not pass HB676.

HB-676

Submitted on: 2/7/2023 8:57:10 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelly Berganio	Individual	Oppose	Written Testimony Only

Comments:

My name is Kelly Berganio and I am a State of Hawaii resident testifying on behalf of myself in opposition to HB676. The proposed change is much too broad; the proposed additional section (d) is not bounded by land type or land area. It could be applied to the entire conservation watershed in upper Manoa Valley, or all of Diamond Head or Haleakala or Mauna Kea.

We need to be very careful in balancing the need for affordable housing with completely overwhelming the existing communities and listening to all concerned. The Land Use Commission should always be involved so that there is proper oversight.

Thank you,

Kelly Berganio

HB-676

Submitted on: 2/7/2023 8:58:43 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brett Kurashige	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and members of the House Committees on Housing and Water and Land

I STRONGLY OPPOSE BOTH HB 673 AND HB 676, which propose to circumvent the Land Use Commission’s power to redistrict lands.

Both bills propose to change the way lands are urbanized from the agricultural district to bypass the Land Use Commission, the quasi-judicial process they use, and the important cultural and natural resource protections those bring. Both bills argue that this will increase the supply of affordable housing, but that’s not what they would do – they are a giveaway to developers and unscrupulous realtors, gutting environmental and cultural protections for what will be unaffordable “affordable housing”. This is the wrong policy direction for the State of Hawaii and our local residents.

Unlike the LUC, County Councils make final land use decisions, and developers can donate to their campaigns. Reducing the current limits on Council powers removes important protections for `āina around the state. This is also being done supposedly to increase affordable housing, but “affordability” is defined so broadly that it includes market rate units affordable to people making 140% of area median income. If we are going to develop more land for housing, it should not be for the people who can already afford to buy housing, and it should not be in return for urbanizing large tracts of ag land for the wealthy.

HB 673 “RELATING TO HOUSING” says we need more homes at “all price points” and would allow the counties instead of the LUC to urbanize lands up to 100 acres in size if “at least fifty per cent of the housing units on the land sought to be reclassified under this paragraph are set aside for persons and families with incomes at or below one hundred forty per cent of the area median income.” This means a 100 acre parcel could build 51 small condo units on 2 acres of land and 49 mansions on 2 acre lots and it would be what they call a “creative solution” to our housing problems.

HB 676 “RELATING TO DISTRICT BOUNDARY AMENDMENTS” would allow the county to urbanize parcels of any size if they pass an ordinance allowing them to that meets certain conditions.

Please HOLD both HB 673 AND HB 676.

Mahalo nui for the opportunity to submit testimony opposing both HB 673 AND HB 676.

HB-676

Submitted on: 2/7/2023 9:30:48 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
joan H koff	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE BOTH HB 673 AND HB 676, which propose to circumvent the Land Use Commission’s power to redistrict lands.

Both bills argue that this will increase the supply of affordable housing, but that’s not what they would do – they are a giveaway to developers and unscrupulous realtors.

Unlike the LUC, County Councils make final land use decisions, and developers can donate to their campaigns. Reducing the current limits on Council powers removes important protections for `āina around the state. This is also being done supposedly to increase affordable housing, but “affordability” is defined so broadly that it includes market rate units affordable to people making 140% of area median income. If we are going to develop more land for housing, it should not be for the people who can already afford to buy housing, and it should not be in return for urbanizing large tracts of ag land for the wealthy.

Please OPPOSE **both HB 673 AND HB 676**. Mahalo nui!

JOAN KOFF

HB-676

Submitted on: 2/7/2023 9:59:12 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alana Bryant	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and Members of the committee,

My name is Alana Bryant and I respectfully OPPOSE HB676. There are a range of public interests that may be impacted, potentially for generations, by large scale land use changes. These interests - environmental, cultural, agricultural, socioeconomic, and others – must be carefully and transparently balanced, to address concerns, minimize unnecessary impacts, and minimize conflict and controversy. The Land Use Commission has decades of experience in doing just this, and should not have its ability to oversee land use district reclassifications limited or eliminated.

Even with the conditions proposed under this measure, this bill still poses the risk of unintended consequences and unnecessary impacts to a wide range of public interests by forcing county planning departments to take on the new burden of solely administering large-scale land use district reclassification petitions. This could even have the inadvertent effect of delaying affordable housing production, by reducing planning departments' capacity to administer other permits and applications needed for housing development and redevelopment.

Rather than reduce the LUC's authority, the committees may wish to consider providing it with enforcement tools that can better hold developers accountable when they fail to produce promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved.

Accordingly, I respectfully urge the committees to HOLD HB673. Thank you for the opportunity to testify.

Sincerely,
Alana Bryant

HB-676

Submitted on: 2/7/2023 10:01:23 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
lukanicole zavas	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and members of the House Committees on Housing and Water and Land

I STRONGLY OPPOSE BOTH HB 673 AND HB 676, which propose to circumvent the Land Use Commission’s power to redistrict lands.

Both bills argue that this will increase the supply of affordable housing, but that’s not what they would do – they are a giveaway to developers and unscrupulous realtors.

Unlike the LUC, County Councils make final land use decisions, and developers can donate to their campaigns.

Reducing the current limits on Council powers removes essential protections for `āina around the state. This is also supposedly done to increase affordable housing, but “affordability” is defined so broadly that it includes market-rate units affordable to people making 140% of the area median income. If we are going to develop more land for housing, it should not be for the people who can already afford to buy housing, and it should not be in return for urbanizing large tracts of ag land for the wealthy.

In addition, Hawai‘i does not have a plethora of land. We should not remove agricultural lands and natural spaces to make room for urbanization. We already have developments - we have homes that are available - it's just that they are now overpriced. My family home was purchased 25 years ago for \$300,000 and is now worth over a million! We haven’t done anything to the home to justify its jump in worth. The median price for homes in my neighborhood - which haven’t been updated or changed in my life is going for millions of dollars. Instead of trying to circumvent the processes that protect our ‘āina - let's re-evaluate who can afford the homes that we already have in Hawai‘i - and do something to ensure that these existing homes can be purchased to be lived in by locals.

Please **HOLD both HB 673 AND HB 676.**

Mahalo nui for your time and consideration,

Luka

HB-676

Submitted on: 2/7/2023 10:20:38 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Janyce Mitchell	Individual	Oppose	Written Testimony Only

Comments:

I am a long-time resident of Hawaii and am writing to express my vehement opposition to HB676. HB676 removes important protections for the land of Hawaii without achieving its likely goal of promoting affordable housing.

The bill strips the authority of the Land Use Commission (LUC) over boundary amendments of parcels of over 15 acres. Instead, bodies, such as City/County Councils, may make these decisions. Unlike members of the LUC, members of City/County Councils are allowed to accept donations. As such, City/County Councils may be subject to influence from special interests, like developers, who donate to campaigns. Further, nothing in the existing laws prevents boundary amendments provided the amendments pass through the LUC. The LUC provides an important, objective review of land uses in the state. This review is particularly important for larger parcels in a state with limited land. Removal of this protection by this bill jeopardizes the land of Hawaii.

The bill also only requires the housing units to be made available for those making up to 140% of the median income. The housing units by definition are available to those that make more than the average resident. I have difficulty seeing how this is affordable. Housing promoted by this bill is not the type of “affordable” housing that we should encourage, particularly at the expense of much needed oversight over the land of Hawaii.

I urge you to oppose HB676 and keep in place the existing protections for the land of Hawaii.

HB-676

Submitted on: 2/7/2023 10:22:50 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Camille Barcoma	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and Members of the committee,

My name is Camille Barcoma, and I respectfully OPPOSE HB676. There are a range of public interests that may be impacted, potentially for generations, by large scale land use changes. These interests - environmental, cultural, agricultural, socioeconomic, and others – must be carefully and transparently balanced, to address concerns, minimize unnecessary impacts, and minimize conflict and controversy. The Land Use Commission has decades of experience in doing just this, and should not have its ability to oversee land use district reclassifications limited or eliminated.

Even with the conditions proposed under this measure, this bill still poses the risk of unintended consequences and unnecessary impacts to a wide range of public interests by forcing county planning departments to take on the new burden of solely administering large-scale land use district reclassification petitions. This could even have the inadvertent effect of delaying affordable housing production, by reducing planning departments’ capacity to administer other permits and applications needed for housing development and redevelopment.

Rather than reduce the LUC’s authority, the committees may wish to consider providing it with enforcement tools that can better hold developers accountable when they fail to produce promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved.

Accordingly, I respectfully urge the committees to HOLD HB673. Mahalo nui for the opportunity to testify.

*Sincerely,
Camille Barcoma*

LATE

HB-676

Submitted on: 2/7/2023 11:01:14 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne ('Antu') Harvey	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs Hashimoto and Ichiyama, Vice Charis Aiu and Poepoe, and Members of the Committee,

I respectfully OPPOSE HB676. This bill poses the risk of unintended consequences and unnecessary negative impacts to public interest by forcing county planning departments to take on the burden of solely administering large scale land use district reclassification petitions. The Planning Departments are understaffed and overworked already and often are unduly influenced by professional investment developers having no real intention of providing housing for any current residents nor truly affordable housing.

I respectfully urge the committee to HOLD HB 673.

Anne Harvey - 96725

LATE

HB-676

Submitted on: 2/7/2023 11:39:57 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Emma Stierhoff	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and and members of the Committee,

My name is Emma Stierhoff, and I am writing to respectfully oppose HB676. The passing of this bill poses a threat to many public interests currently being protected by the authority of the Land Use Commission. This bill could also have the inadvertent consequence of delaying affordable housing production by reducing county planning departments' abilities to issue permits as needed. Rather than reducing the LUC's authority, they should be provided with the tools and resources to hold developers accountable for producing the promised housing units after their petitions for district boundary reclassifications are approved.

Therefore, I urge the committees to HOLD HB676. Mahalo nui for the opportunity to testify.

HB-676

Submitted on: 2/7/2023 1:36:11 PM

Testimony for HSG on 2/8/2023 11:00:00 AM



Submitted By	Organization	Testifier Position	Testify
jennifer valentine	Individual	Oppose	Written Testimony Only

Comments:

I respectfully OPPOSE HB676. There are a range of public interests that may be impacted, potentially for generations, by large scale land use changes. These interests - environmental, cultural, agricultural, socioeconomic, and others – must be carefully and transparently balanced, to address concerns, minimize unnecessary impacts, and minimize conflict and controversy. The Land Use Commission has decades of experience in doing just this, and should not have its ability to oversee land use district reclassifications limited or eliminated.

Even with the conditions proposed under this measure, this bill still poses the risk of unintended consequences and unnecessary impacts to a wide range of public interests by forcing county planning departments to take on the new burden of solely administering large-scale land use district reclassification petitions. This could even have the inadvertent effect of delaying affordable housing production, by reducing planning departments’ capacity to administer other permits and applications needed for housing development and redevelopment.

Rather than reduce the LUC’s authority, the committees may wish to consider providing it with enforcement tools that can better hold developers accountable when they fail to produce promised affordable and workforce housing units after their petitions for district boundary reclassifications are approved.

Accordingly, I respectfully urge the committees to HOLD HB673. Mahalo nui for the opportunity to testify.

LATE

HB-676

Submitted on: 2/7/2023 6:28:15 PM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Konia Freitas	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and members of the House Committees on Housing and Water and Land

I STRONGLY OPPOSE HB 676, which proposes to circumvent the Land Use Commission’s power to redistrict lands.

Both bills argue that this will increase the supply of affordable housing, but that’s not what they would do – they are a giveaway to developers and unscrupulous realtors.

Unlike the LUC, County Councils make final land use decisions, and developers can donate to their campaigns. Reducing the current limits on Council powers removes important protections for `āina around the state. This is also being done supposedly to increase affordable housing, but “affordability” is defined so broadly that it includes market rate units affordable to people making 140% of area median income. If we are going to develop more land for housing, it should not be for the people who can already afford to buy housing, and it should not be in return for urbanizing large tracts of ag land for the wealthy.

Please HOLD HB 676. Mahalo nui!

Konia Freitas, Phd

Aiea, Oahu

LATE

HB-676

Submitted on: 2/8/2023 7:40:23 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sheena Lopes	Individual	Oppose	Written Testimony Only

Comments:

We need to stop creating bills that benefit the developer more than the actual people who are from this land and continue to struggle living in their ancestral homes. Hawai'i is unique in that our 'aina is considered family to the indigenous of these lands, stop creating bills that show us we don't matter. The Hawaiians and general public need to be involved in making decisions, not just people who don't actually interact with the environment and communities.

LATE

HB-676

Submitted on: 2/8/2023 7:56:09 AM

Testimony for HSG on 2/8/2023 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
robin knox	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs Hashimoto and Ichiyama, Vice Chairs Aiu and Poepoe, and members of the House Committees on Housing and Water and Land

I STRONGLY OPPOSE BOTH HB 673 AND HB 676, which propose to circumvent the Land Use Commission’s power to redistrict lands.

Both bills argue that this will increase the supply of affordable housing, but that’s not what they would do – they are a giveaway to developers and unscrupulous realtors.

Unlike the LUC, County Councils make final land use decisions, and developers can donate to their campaigns. Reducing the current limits on Council powers removes important protections for `āina around the state. This is also being done supposedly to increase affordable housing, but “affordability” is defined so broadly that it includes market rate units affordable to people making 140% of area median income. If we are going to develop more land for housing, it should not be for the people who can already afford to buy housing, and it should not be in return for urbanizing large tracts of ag land for the wealthy.

Please HOLD both HB 673 AND HB 676. Mahalo nui!