



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

**ON THE FOLLOWING MEASURE:
H.B. NO. 1734, RELATING TO ZONING.**

**BEFORE THE:
HOUSE COMMITTEE ON HOUSING**

DATE: Wednesday, February 4, 2026 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 430

TESTIFER(S): Anne E. Lopez, Attorney General, or
Alison S. Kato or Christopher J.I. Leong, Deputy Attorneys General

Chair Evslin and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to prohibit counties from imposing certain lot requirements and dwelling specifications for parcels of land located within the state urban land use district.

This bill places certain restrictions on county zoning authority for parcels of land located within the state urban district designated pursuant to section 205-2, Hawaii Revised Statutes (HRS). The bill does so by amending chapter 46, HRS, rather than amending section 205-2, HRS. Section 205-2, HRS, establishes the state land use districts and delegates zoning authority within the urban district to counties. Restrictions on uses within the state urban district that are intended to apply statewide may be more appropriately made through amendments to section 205-2, HRS, rather than through chapter 46, HRS. For example, section 205-2(d), HRS, imposes specific use restrictions applicable statewide within the state agricultural land use districts. We recommend that any statewide modifications to permissible uses in the urban district be made in section 205-2, HRS.

Additionally, although this bill appears to be aimed at residential uses, it does not expressly limit its application to residential uses and may therefore have unintended effects on non-residential districts within the state urban district. Counties maintain various zoning classifications within the state urban district other than residential, such

Testimony of the Department of the Attorney General

Thirty-Third Legislature, 2026

Page 2 of 2

as agricultural, industrial, commercial, and other non-residential uses. For example, the City and County of Honolulu maintains AG-1 (Restricted Agricultural) and AG-2 (General Agricultural) zoning districts within the state urban district. See Revised Ordinances of Honolulu (ROH) § 21-3.50. Section 21-3.50-4, ROH, requires minimum lot sizes of five acres for AG-1 districts and two or three acres for AG-2 districts—both far exceeding the 1,200-square-foot maximum lot size this bill would impose. As a result, this bill could permit residential-density subdivisions on lands that counties have designated for agricultural use, if those lands are located within the state urban district. If this outcome was not intended, we recommend revising the bill to expressly limit the restrictions to residential uses.

We would be happy to work with the Committee on appropriate wording to address these issues.

Thank you for the opportunity to provide testimony.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

DEPARTMENT OF PLANNING AND PERMITTING

KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE

CITY AND COUNTY OF HONOLULU

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TESTIMONY OF THE DEPARTMENT OF PLANNING AND PERMITTING

BEFORE THE HOUSE COMMITTEE ON HOUSING

February 4, 2026
Conference Room 430

TO: The Honorable Luke A. Esvlin, Chair, The Honorable Tyson K. Miyake, Vice Chair, and Members of the House Committee on Housing

RE: COMMENTS ON HOUSE BILL NO. 1734, RELATING TO ZONING

The Department of Planning and Permitting (DPP) **offers comments** on House Bill No. 1734, which prohibits the counties from imposing certain lot requirements and dwelling specifications for parcels of land located within the urban district for purposes of subdivision, development, or the issuance of a building permit, with certain exemptions.

The DPP supports the goals of facilitating efficient urban design and housing production. As drafted, the Bill reads that the minimum lot size for any parcel of land in the State Land Use Urban District would be 1,200 square feet with maximum lot dimensions of 30 feet wide and 40 feet deep. Open space would be limited to 30 percent of the lot.

Respectfully, we do not believe these standards are appropriate for all zoning districts. For example:

- As drafted, the Bill applies to all industrial, commercial, and apartment districts, and those lands in the county agricultural districts. Lots of 1,200 square feet may be too small to accommodate uses within these zoning districts.
- A maximum 30 percent open space allowance in county agricultural and country districts contradicts the purpose and objective of those districts.

Minimum lot area standards ensure that each lot is large enough to be minimally developed with all the necessary features to support land use policies of the City (e.g., safe, affordable, efficient). Infrastructure needs to be located where the lot meets the street, which is typically the lot's minimum dimension.

The Honorable Luke A. Eyslin, Chair
The Honorable Tyson K. Miyake, Vice Chair
and Members of the House Committee on Housing Month Date, Year
Hawai'i House of Representatives
House Bill No. 1734
February 4, 2026
Page 2

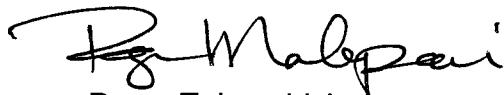
In our experience, many people prioritize driveways and parking area designs first, and fit the infrastructure in later. The maximum driveway per lot is 24 feet, so on a 30-foot-wide lot, 80 percent of the frontage could foreseeably be driveway. In the public right-of-way, infrastructure needs include bus stops, street trees, streetlights, sidewalks, storm water catchments, fire hydrants, street signs, sidewalk ramps, street parking, and bike lanes, as applicable. If lots are too narrow, there will be inadequate space within the right-of-way to accommodate these elements as they will likely interfere with driveways.

If the street frontage is reduced to 30 feet and infrastructure cannot service the site, the lots may be undevelopable. Minimum dimensions should comfortably accommodate the features necessary to develop individual lots and the greater neighborhood and community.

We recommend that if a minimum lot dimension is required of the counties, it should not be less than 60 feet, which is wide enough to support desirable development in most zoning districts. Some areas could be designed for smaller lot widths (e.g. if shared parking lots or back alleys are available), but the counties should be able to make those determinations, as appropriate.

We thank you for the opportunity to testify and we are prepared to meet and work with the Legislature on changes that will facilitate lot sizes that work best for county infrastructure, our residents and their communities.

Very truly yours



for: Dawn Takeuchi Apuna
Director



Hawai'i YIMBY

Honolulu, HI 96814

hawaiiyimby.org

info@hawaiiyimby.org

February 4, 2026

House Committee on Housing

Hawai'i State Capitol

Honolulu, HI 96813

RE: SUPPORT for HB 1734 - RELATING TO ZONING

Aloha Chair Evslin, Vice Chair Miyake, and Members of the Committee,

On behalf of Hawai'i YIMBY, we are writing in **strong support of HB 1734**.

Hawai'i is facing a worsening housing shortage driven by limited land, rising construction costs, and regulations that make it difficult to build homes that local families can afford. Large minimum lot sizes, excessive setback requirements, and mandatory parking standards restrict how much housing can be built in urban areas and push development toward more expensive housing types. As a result, many residents are priced out of homeownership or forced to leave their communities altogether.

HB 1734 takes a practical step toward addressing this crisis by allowing smaller homes on smaller lots in the urban district. By reducing minimum lot size, setback, and parking requirements, this bill allows land to be used more efficiently and lowers the cost of producing new homes. Research and real-world experience show that these types of zoning reforms increase housing supply by making it feasible to build entry-level and workforce housing that would otherwise be prohibited.

Importantly, HB 1734 maintains critical health, safety, and environmental protections and includes exemptions for hazard-prone areas. It also allows neighborhoods to petition to retain stricter standards if there is strong local support. This balanced approach respects community input while removing outdated rules that contribute to scarcity and high prices.



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Allowing smaller homes on smaller lots will help create attainable starter homes, expand housing choices, and support local families who want to live and work in Hawai'i.

Hawai'i YIMBY (*Yes In My Backyard*) is a volunteer-led grassroots advocacy organization dedicated to supporting bold and effective solutions for Hawai'i's devastating housing crisis. Our members are deeply concerned about Hawai'i's chronic and worsening housing shortage, which has caused home prices to rise much faster than incomes and pushes thousands of kama'āina out to the mainland or into homelessness every single year.

We ask your support for this bill. Thank you for the opportunity to testify.

Sincerely,

Damien Waikoloa

Chapter Lead, Hawai'i YIMBY

Edgardo Díaz Vega

Chapter Lead, Hawai'i YIMBY

Huey Kwik

Chapter Lead, Hawai'i YIMBY





Housing Hawai'i's Future

PO Box 3043

Honolulu, HI 96802-3043

February 4, 2026

TO: Chair Evslin and Members of the House Committee on Housing
RE: HB 1734, Relating to Zoning

Dear Chair Evslin and Committee Members,

Housing Hawai'i's Future is a nonprofit dedicated to creating opportunities for Hawai'i's next generation by ending the workforce housing shortage.

We urge the House Committee on Housing to advance House Bill 1734.

Current county-level regulations create inconsistencies and add complexity to the housing approval process, contributing to higher costs and delays. By focusing on parcels within the state-designated urban land use district, the bill targets areas already designated for development. This is a prudent way to accommodate growth without impacting agricultural or conservation lands, aligning with the spirit of the Land Use Law of 1961.

By limiting counties' ability to impose additional lot requirements and dwelling specifications, this bill has the potential to streamline the subdivision, development, and permitting process, directly supporting our mission to expand housing opportunities for Hawai'i residents.

The bill recognizes the importance of community input by allowing for a petition process. This mechanism provides neighborhoods and subdivisions with a structured way to request the establishment or retention of specific requirements, ensuring that local concerns can still be addressed when warranted.

We are grateful for your careful consideration of House Bill 1734.

Thank you,



Lee Wang
Executive Director
Housing Hawai'i's Future
lee@hawaiisfuture.org



Perry Arrasmith
Director of Policy
Housing Hawai'i's Future
perry@hawaiisfuture.org

Feb. 4, 2026, 9 a.m.
Hawaii State Capitol
Conference Room 430 and Videoconference

To: House Committee on Housing

Rep. Luke Evslin, Chair

Rep. Tyson Miyake, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN SUPPORT OF HB1734 — RELATING TO ZONING

Aloha chair, vice chair and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [HB1734](#), which would prohibit the counties from requiring minimum lot sizes larger than 1,200 square feet and place other limitations on required setbacks, lot widths, lot depths, open spaces and maximum building heights. These prohibitions would be applicable only to parcels in the state's urban district.

HB1734 would also allow counties to create a process through which landowners could exempt themselves from the bill's requirements.

This legislation would be a major step toward reducing housing costs for Hawaii residents. Allowing smaller lots in urban areas would reduce land costs, which can represent as much as 75% of the cost of buying a single-family home.¹

In Hawaii, each county currently sets its own minimum lot sizes. For residential zones, Hawai'i County's smallest minimum lot size is 7,500 square feet; Maui and Kauai both have their smallest minimum lot size set at 6,000 square feet; and Honolulu's smallest is 3,500 square feet.²

¹ Eric Pape, "[Living Hawaii: It's The Land That Really Drives Up Honolulu's Home Prices](#)," Honolulu Civil Beat, Nov. 13, 2015.

² Jonathan Helton, "[How to facilitate more homebuilding in Hawaii](#)," Grassroot Institute of Hawaii policy brief, December 2023.

Considering Hawaii's extremely high land costs, imposing minimum lot sizes contributes to housing prices that few local families can afford.

Consider this example: A vacant 6,000-square-foot lot in Honolulu is valued at \$1.2 million. Under current lot-size rules, only one house could be built on it. But allowing that land to instead support four fee-simple houses on 1,500-square-foot lots would greatly reduce the land cost per house.

For a potential homebuyer, reducing the land cost from \$1.2 million to \$300,000 could mean the difference between being able to afford a mortgage or not. The houses built on those smaller lots would also be smaller, and therefore cost less, than a single home built on the 6,000 square foot lot.

Cities across the United States that have experimented with decreasing minimum lot sizes have seen an increase in the construction of smaller, less expensive homes. This is also not a new concept.

Back in 1998, Houston, Texas, reduced its minimum lot-size requirement for parts of the city from 5,000 square feet to 1,400 square feet, and it applied the change to most other areas in 2013. A 2023 study showed that the homes built on these smaller lots were markedly more affordable — valued at almost 40 percent less than other single-family homes.³ Other research also indicates that large minimum lot sizes contribute to higher housing costs.⁴

Houston does allow neighborhoods to opt out of the minimum lot-size requirement through a process that is similar to the one outlined in this legislation.

As such, HB1734 strikes a balance between expanding housing opportunities for Hawaii residents and while allowing homeowners to have a say regarding what gets built in their neighborhoods.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

³ Alex Horowitz and Tara Roche, "[Lot-Size Reform Unlocks Affordable Homeownership in Houston](#)," Pew Charitable Trusts, Sept. 14, 2023.

⁴ Patrick Tuohey, "[Why minimum lot size reform should be on every city's housing agenda](#)," Better Cities Project, Dec. 15, 2025.



LATE

Testimony of the Hawai‘i Appleseed Center for Law and Economic Justice
Support for HB1734 – Relating to Zoning

House Committee on Housing

Wednesday, February 4, 2026 at 9:00AM Conf. Rm. 430 and via Videoconference

Aloha Chair Evslin, Vice Chair Miyake, and members of the committee;

Mahalo for the opportunity to testify in **strong support of HB 1734** relating to zoning. Minimum lot reform is a practical way to create more homes that local families afford, while also advancing climate and equity goals. HB1734 would allow smaller fee-simple lots in appropriate urban areas that already have infrastructure, giving home builders an opportunity to produce modest homes instead of only large, high cost lots.

Research from the University of Connecticut’s “Minimum Lot Size Reduction & Resilience brief shows that large minimum lot sizes constrain housing supply, inflate land costs, and push development outward, leading to higher infrastructure costs and car dependent communities.¹ The same brief finds that reducing minimum lot sizes in the right locations supports denser, more affordable housing near jobs and transit, lowers transportation-related emissions, and strengthens “social resilience” by fostering more connected walkable communities.²

Big-lot zoning is also an equity problem: oversized minimum lots act as a barrier to homeownership and help entrench “historic racial and economic injustice by keeping lower-income households out of opportunity-rich neighborhoods. National research produced by Better Cities finds that strict minimum lot size rules drive up prices, suppress infill, and operate as a quiet exclusionary tool that benefits wealthier homeowners while shutting out lower-income families.³ Higher, more restrictive minimum lot sizes are correlated with home price increases and increased rent prices.

HB1734 offers a reasonable, standards based way to undo some of the high minimum lot size mandates by right-sizing minimum lot sizes in the urban district while preserving tools like setback, height limits, and lot coverage.

Mahalo for the opportunity to testify in support of HB1734.

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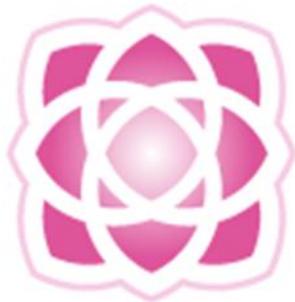
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<https://resilientconnecticut.media.uconn.edu/wp-content/uploads/sites/3830/2024/09/Min-Lot-Size-5-18-24.pdf>

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<https://better-cities.org/community-growth-housing/why-minimum-lot-size-reform-should-be-on-every-citys-housing-agenda/>



**HEARING BEFORE THE HOUSE COMMITTEE ON HOUSING
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 430
WEDNESDAY, FEBRUARY 4, 2026 AT 9:00 A.M.**

To The Honorable Representative Luke A. Eyslin, Chair
The Honorable Representative Tyson K. Miyake, Vice Chair
Members of the Committee on Housing

SUPPORT FOR HB1734 RELATING TO ZONING

The Maui Chamber of Commerce supports HB1734. By limiting counties' ability to impose additional lot requirements and dwelling specifications, this measure has the potential to streamline the development process, lower costs, and increase the supply of much-needed housing options for local residents.

The current housing shortage, coupled with rising construction and rental costs, underscores the need for innovative policy solutions that reduce barriers to housing development. By addressing restrictive lot requirements and dwelling specifications in urban districts, this bill has the potential to accelerate the delivery of much-needed housing options for residents.

At the same time, the bill's inclusion of a petition process allows neighborhoods and subdivisions to retain or establish specific requirements where there is clear community support. This approach balances the need for greater housing supply with respect for local input and unique neighborhood characteristics, ensuring that the measure is responsive to both housing advocates and community concerns.

Additionally, we urge the Legislature to monitor the impacts of this policy to ensure that it accelerates housing delivery without unintended negative consequences. We appreciate the committee's attention to urgent housing needs and support HB1734 as a meaningful step toward increasing affordability and opportunity for Hawai'i's residents.

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.