



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

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Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Thursday, February 26, 2026

2:00 PM

State Capitol, Conference Room 325

in consideration of
HB 1739, HD 1
RELATING TO TRANSIT-ORIENTED DEVELOPMENT.

Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs.

The Office of Planning and Sustainable Development (OPSD) supports the intent and provides **comments with concerns and offers an amendment** on HB 1739, HD 1, which would amend Hawai'i Revised Statutes (HRS) Chapter 46 to allow counties to adopt transit-supportive densities for county-designated transit-oriented development zones and prohibit the adoption of any land use control that would restrict the adoption of transit-oriented densities.

OPSD supports the intent of density around rail and transit stations but has **concerns** about the bill as written. Consideration could be given to providing a timeframe for amendment or adoption of ordinances and standards that would meet proposed standards for each county. OPSD also recommends moving the statutory language for definitions and standards that are in 206E-246, 226-63 to Chapter 46 to provide for a uniform reference and framework for TOD in that chapter.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR
HOPE PO'O

REGINA MALEPEAI
2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

TESTIMONY OF THE DEPARTMENT OF PLANNING AND PERMITTING

BEFORE THE HOUSE COMMITTEE ON WATER AND LAND

February 26, 2026
Conference Room 325

TO: The Honorable David A. Tarnas, Chair, The Honorable Mahina Poepoe, Vice Chair,
and Members of the House Committee on Judiciary & Hawaiian Affairs

RE: COMMENTS ON HOUSE BILL NO. 1739, HD 1, RELATING TO TRANSIT-
ORIENTED DEVELOPMENT (TOD)

The Department of Planning and Permitting (DPP) **offers comments with concerns** on House Bill No. 1739, HD 1, which requires transit-supportive densities be allowed, and prohibits land use controls that are inconsistent with the definition in any county-designated TOD area.

Act 159 (Session Laws 2025) incentivized counties to designate “transit-supportive densities.” Conversely, House Bill No. 1739, HD 1, appears to mandate “transit-supportive densities” by prohibiting any “county ordinance, rule, regulation, development standard, zoning provision, or other land use control” that would restrict the development of such “transit-supportive densities.”

The City and County of Honolulu’s TOD regulatory framework was developed with exhaustive community outreach, consultant input and staff analyses followed by City Council public deliberations. DPP continues to update the regulations based on our permitting experience, as well as the adopted City and County of Honolulu TOD plan recommendations, which consider the different land use contexts, from suburban to urban, along the rail transit corridor.

While the City is very much interested in streamlining and deregulating within the housing and affordable housing sectors, especially in TOD areas, the current language of this Bill would require significant restructuring of the existing regulatory framework, likely causing critical delays and confusion implementing our TOD plans, which translates into increased time-induced costs that burden project affordability.

The Honorable David A. Tarnas, Chair, The Honorable Mahina Poepoe, Vice Chair, and
Members of the House Committee on Judiciary & Hawaiian Affairs Hawai'i House of
Representatives

House Bill No. 1739, HD 1

February 26, 2026

Page 2

Conversely, Act 159 currently provides critical flexibility to ensure that updates to
achieve "transit-supportive densities" do not inadvertently undermine the overall TOD
framework and, consequently, the success of TOD.

Thank you for the opportunity to testify. We look forward to our continued work
together.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dawn Takeuchi Apuna". The signature is stylized with several overlapping loops and a long horizontal stroke extending to the right.

For Dawn Takeuchi Apuna
Director

Feb. 26, 2026, 2 p.m.
Hawaii State Capitol
Conference Room 325 and Videoconference

To: House Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN SUPPORT OF HB1739 HD1 — RELATING TO DEVELOPMENT STANDARDS

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii **supports** [HB1739 HD1](#), which would require that transit-supportive densities be allowed in all county-designated transit-oriented development areas and prohibit counties from restricting the development of transit-supportive densities.

Practically, this legislation would allow larger buildings to be built near Honolulu's Skyline rail stops as well as other county TOD zones — and it would thus be a step toward expanding housing opportunities in those areas.

[Act 159 \(2025\)](#) defined "transit-supportive densities" as properties with floor area ratios of at least 4, 6 or 7 — depending on how close the structure would be to the rail line. Additionally, under that law, the permits for these projects must be approved without a public vote by a planning commission or a county council.

That law tied certain state funding to the legalization of denser buildings near the Skyline rail or in any county-designated TOD zone. This bill, on the other hand, would explicitly require that all such construction be allowed.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

February 26, 2026

TO: Chair Tarnas and Members of the Committee on Judiciary and Hawaiian Affairs
RE: HB 1739 HD1, Relating to Transit-Oriented Development

Dear Chair Hashem 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 support House Bill 1739 HD1. By ensuring that counties cannot impose regulations that undermine transit-supportive densities in designated transit-oriented development (TOD) zones, this bill promotes more efficient land use and supports the creation of vibrant, accessible communities.

The bill focuses on TOD zones and infrastructure improvement areas, ensuring that the prohibition applies only where transit-supportive densities are most appropriate and beneficial. Allowing higher densities in TOD areas aligns with best practices observed in other regions where housing supply has been expanded near public transit, resulting in greater affordability and reduced reliance on personal vehicles.

Removing local barriers to density in these zones can help unlock much-needed housing opportunities, particularly for working families and young residents who are increasingly priced out of Hawai'i's artificially restricted residential housing markets.

We are grateful for your careful consideration of House Bill 1739 HD1.

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

HB-1739-HD-1

Submitted on: 2/25/2026 10:40:43 AM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Angela Young	CARES Community Advocacy Research Education Services	Comments	Remotely Via Zoom

Comments:

Reference live testimony.



Hawai'i YIMBY
Honolulu, HI 96814
hawaiiyimby.org
info@hawaiiyimby.org

February 26, 2026

House Committee on Judiciary & Hawaiian Affairs
Hawai'i State Capitol
Honolulu, HI 96813

RE: SUPPORT for HB 1739 HD1 - RELATING TO TRANSIT-ORIENTED DEVELOPMENT

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

On behalf of Hawai'i YIMBY, we are writing in **support of HB 1739 HD1**, which supports smart, transit-oriented growth by reinforcing the connection between housing, community services, and high quality public transportation. When homes are located near frequent and reliable transit, residents have better access to jobs, grocery stores, schools, health care, and recreation without relying on long and costly car trips.

This bill helps ensure that areas planned around major transit investments can **fully function as complete, connected communities**. Allowing appropriate housing density near transit supports ridership, makes public investments more efficient, and gives residents more choices in how they live and move. It also helps local workers live closer to where they work and meet their daily needs, reducing traffic congestion and transportation costs.

As Hawai'i works to address its housing shortage and improve mobility, aligning housing opportunities and community services with our transit system is essential. HB 1739 advances this goal by promoting development patterns that strengthen neighborhoods, support sustainability, and make the most of our public transit investments.

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



Hawai'i YIMBY
Honolulu, HI 96814
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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





HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
Support for HB1739 HD1 – Relating to Transit Oriented Development
House Committee on Water & Land
Thursday, February 26, 2026 at 2:00PM Conf. Rm. 325 and via Videoconference

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the committee;

Mahalo for the opportunity to testify in **strong support of HB 1739 HD1**, prohibiting counties from enacting an ordinance, rule, regulation, development standard, zoning provision, or other land use control that would restrict the development of transit-supportive density in county-designated transit-oriented development (TOD) areas.

HB 1739 would ensure that state-designate TOD zones actually deliver the walkable, mixed-use, and mixed-income neighborhoods envisioned in state and county plans, rather than being undermined by project-by-project discretionary upzoning requests or other discretionary barriers. By prohibiting counties from adopting ordinances, development standards, or other land use controls that conflict with or effectively negate TOD zoning in these areas, the bill aligns local regulation with the substantial public investment already made in rail and bus rapid transit infrastructure. When state agencies and counties upzone for TOD and commit public funds to infrastructure, but later layer on restrictive standard or ad hoc conditions that reduce feasible density or delay approvals, the result is fewer homes, higher per-unit costs, and missed opportunities to house local workers near jobs and transit.

This aligns with the goals of Honolulu's Department of Housing and Land Management's (DHLM) most recent strategic plan which identified barriers like zoning and land use regulation as a regulatory barrier to building densely along the rail corridor.¹ It would also support the goals for Ka'ahumanu Ave, the identified TOD corridor in Maui County,² and would support similar goals in TOD identified areas in Lihue, Kauai and the Keohokalole Highway in Hawaii County. This bill affirms that counties cannot undermine adopted TOD zoning through conflicting ordinances or standards, while still allowing them to apply generally applicable health, safety, and infrastructure provisions so long as those provisions do not nullify TOD entitlements. This is essential to delivering more housing near transit for residents, reducing vehicle miles traveled, and making efficient use of the billions of dollars in public investments for infrastructure around TOD corridors.³

We respectfully urge you to pass HB1739 HD1.

¹ <https://www4.honolulu.gov/docushare/dsweb/Get/Document-347776/2025-2028%20Strategic%20Housing%20Plan.pdf>

² <https://mauimpo.org/kaahumanu-action-plan>

³ https://files.hawaii.gov/dbedt/op/lud/02PROJ/OPSDTODInfra_2022/3.Deliverable3_20230908_HawaiiTODInfraFin-FullFinal.pdf



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TESTIMONY IN STRONG SUPPORT OF H.B. 1739

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

Avalon Development Company submits this testimony in **strong support of H.B. 1739, HD 1.**

H.B. 1739 is a necessary and appropriate measure to ensure that county-designated transit-oriented development (TOD) areas deliver the outcomes they were created to achieve. The State and counties have made significant public investments in rail, bus, and related transit infrastructure with the express intent of supporting compact, walkable, and housing-rich communities. However, those investments are too often undermined when TOD zones are later constrained by zoning provisions, development standards, or discretionary processes that restrict density and delay housing delivery.

As numerous stakeholders have noted, transit-oriented development only functions when transit-supportive density is actually allowed. A TOD designation without corresponding zoning capacity produces fewer homes, higher per-unit costs, reduced transit ridership, and a diminished return on public infrastructure spending. H.B. 1739 provides essential clarity by ensuring that once a county designates a TOD area, transit-supportive densities may not be nullified by conflicting land use controls.

From a development and housing production perspective, regulatory uncertainty and discretionary downzoning are among the most significant contributors to project delay and escalating costs. These delays directly impact housing affordability and feasibility. By aligning zoning with adopted TOD policies, H.B. 1739 creates predictability and consistency—allowing housing projects near transit, employment centers, and essential services to move forward more efficiently.

Importantly, this bill does not eliminate counties' ability to plan or apply generally applicable health, safety, and infrastructure standards. Rather, it ensures that TOD designations are implemented in good faith and are not effectively undone through subsequent regulation. This alignment between planning, zoning, and public investment is critical to addressing Hawai'i's housing shortage and maximizing the value of our transit systems.

For these reasons, Avalon Development Company urges the Committee to PASS H.B. 1739, HD 1.

Respectfully submitted

Avalon Development Company



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**The Thirty-Third State Legislature
House Committee on Judiciary & Hawaiian Affairs
Thursday, February 26, 2026
Conference Room 325
2:00 p.m.**

TO: The Honorable David A. Tarnas, Chair
FROM: Keali'i S. López, State Director
RE: Support for H.B. 1739, HD1 Relating to Transit-Oriented Development

Aloha Chair Tarnas and Members of the Committee:

My name is Keali'i López, and I serve as State Director for AARP Hawai'i. AARP is the nation's largest nonprofit, nonpartisan social impact organization dedicated to empowering people age 50 and older to choose how they live as they age. We advocate for policies that promote health security, financial stability, and personal fulfillment. On behalf of AARP's more than 135,000 members in Hawai'i, we **strongly support H.B. 1739, H.D.1.**

AARP appreciates the amendments made in H.D.1, which help clarify and strengthen the measure. We welcome the bill's alignment with **county-designated transit-oriented development (TOD) areas** consistent with state planning law, as well as the addition of a clear definition of "transit-supportive density" through cross-reference to existing statute. These changes help reduce ambiguity and improve consistency in implementation across counties. As amended, H.B. 1739 takes a crucial step toward addressing Hawai'i's housing and transportation challenges by allowing transit-supportive densities within county-designated TOD areas and TOD infrastructure improvement program areas. By appropriately limiting conflicting county land-use controls in these areas, the bill reinforces the state's TOD framework and helps ensure that investments in transit are supported by land-use policies that promote housing opportunity near high-capacity transit.

AARP supports transit-oriented development because it **expands housing choice near transit and essential services**, reduces transportation costs and dependence on automobiles, and increases walkability, safety, and accessibility. For older adults in particular, TOD supports **aging in place** by providing location-efficient housing options that allow residents to remain independent and connected to their communities without having to drive.

We also appreciate that H.B. 1739, HD1 preserves essential accessibility protections. While the bill removes minimum parking mandates in TOD areas, it explicitly maintains accessible parking requirements, ensuring that people with mobility challenges, including many older adults continue to have their access needs met as land-use policies are modernized.

As the measure moves forward, AARP respectfully offers several implementation considerations to help ensure successful and equitable outcomes. Because H.B. 1739, HD1 establishes a statewide framework that preempts certain county controls, we recommend the bill includes a **reasonable transition period** for counties to amend or adopt ordinances and development standards consistent with state law, along with **clear interim rules** during that transition period. We also encourage the State to provide **technical assistance** to counties that may need support implementing the TOD framework effectively.

In addition, we reiterate the importance of complementary guardrails to ensure TOD delivers meaningful benefits for older adults and local communities. While H.B. 1739, HD1 is principally a land-use preemption measure, TOD success depends on parallel policies that promote **housing affordability, universal design and accessibility features beyond parking, anti-displacement protections for long-term residents, and safe, age-friendly design**. These elements are especially critical for older adults and residents on fixed incomes.

In conclusion, H.B. 1739, H.D.1 represents a meaningful opportunity to better align housing, transportation, and land-use policy in a way that supports independence, accessibility, and community stability for Hawai'i's aging population. For these reasons, **AARP strongly supports H.B. 1739, H.D.1**, and respectfully urges the Committee on Judiciary & Hawaiian Affairs to pass the measure.

Mahalo for the opportunity to submit late testimony.

HB-1739-HD-1

Submitted on: 2/24/2026 1:11:51 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Godbey Carson	Individual	Support	Written Testimony Only

Comments:

I support this bill, which can help us assure development of greater housing opportunities in transit oriented development zones. This is a critical need for our future, to help move away from reliance on private cars and traffic congestion, while keeping the country, country.

HB-1739-HD-1

Submitted on: 2/24/2026 6:24:06 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

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

I am testifying in strong support of HB1739, a critical bill that ensures our counties actually deliver on the promise of Transit-Oriented Development (TOD). This legislation prohibits counties from enacting any ordinance, rule, or zoning provision that restricts the development of transit-supportive densities in designated TOD areas. In plain language: if we are going to invest billions in public transit, we must allow people to live near it.

The Promise and the Problem

Transit-Oriented Development is built on a simple, powerful idea: concentrate housing, jobs, and services around transit stations so that people can walk, bike, and ride instead of driving. Done right, TOD reduces traffic, cuts emissions, lowers household transportation costs, and creates vibrant, walkable communities.

But TOD only works if we actually build **density**. A transit station surrounded by single-family homes, parking lots, and low-rise commercial strips does not reduce car dependence; it simply adds a train stop to a car-dependent landscape. The housing crisis is not solved, the climate benefits are not realized, and the public investment in transit is squandered.

What HB1739 Does

HB1739 ensures that counties cannot quietly undermine TOD by maintaining low-density zoning along transit corridors. It requires that transit-supportive densities—meaning enough housing units and people to actually support transit ridership—be allowed as of right in any county-designated TOD area. It prevents the use of zoning restrictions to effectively veto the very development TOD is meant to encourage.

This is not about mandating what gets built; it is about removing artificial barriers that prevent it from being built. Counties can still plan, design, and guide development. What they cannot do is designate a TOD area on paper while maintaining zoning that makes genuine transit-oriented development impossible.

Why Density Matters

Low land-use density around transit stations does two things: it makes housing more expensive, and it defeats the purpose of TOD. When we restrict supply near high-opportunity transit corridors, we push housing into car-dependent fringe areas, increasing both costs and emissions.

When we allow density, we create more homes where people want to live, support local businesses, and build the ridership that makes transit systems viable and sustainable.

A Matter of Consistency and Good Faith

Counties have spent years planning TOD districts, often with extensive community engagement and significant state investment. HB1739 simply asks that those plans be backed up by zoning that makes them real. It holds counties accountable to their own stated goals and ensures that the promise of TOD is not hollowed out by restrictive land use controls.

HB1739 is a smart, necessary, and long-overdue step toward aligning our land use policies with our transit investments, our climate goals, and our housing needs. I urge you to pass this bill.

Mahalo for the opportunity to testify.

HB-1739-HD-1

Submitted on: 2/25/2026 11:57:30 AM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Oppose	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, OPPOSE

TOD IN 96792 ZIP CODE

1739 HB RELATING TO TRANSIT-ORIENTED DEVELOPMENT.

HB-1739-HD-1

Submitted on: 2/25/2026 6:50:38 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Lum	Individual	Support	Written Testimony Only

Comments:

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

My name is Jen Lum, and I am a resident of ‘Ewa Beach.

I am writing in strong support of HB1739, which supports the creation of high-density housing in Transit-Oriented Development zones. This bill ensures that we build enough dense housing near rail hubs and high-frequency bus routes, making the most of our public investment in transit while preserving land elsewhere for agriculture, conservation, and other critical uses.

HB1739 prevents counties from under-zoning TOD corridors. Transit-oriented development only works if we actually build density around transit stations. When counties zone these areas for low-density uses-single-family homes, parking lots, or commercial sprawl-they defeat the entire purpose of TOD. This bill establishes that counties must zone sufficiently for high-density housing along TOD corridors, ensuring that the land around our rail and high-frequency bus routes is used for what it was intended: homes for people.

Low land-use density around transit makes housing more expensive. When we restrict how much housing can be built near jobs, transit, and services, we artificially constrain supply in the places where people most want to live. That drives up prices and pushes working families farther from their jobs, with longer commutes and higher transportation costs. HB1739 helps reverse that dynamic by requiring counties to plan for the density that transit infrastructure was built to support.

Building vertically near rail and high-frequency bus routes preserves land elsewhere for other critical uses. Hawaii's land is finite. Every acre we pave for sprawl is an acre we cannot use for farming, watershed protection, cultural practice, or conservation. By concentrating growth in TOD zones, HB1739 allows us to meet our housing needs while protecting the rural and agricultural lands that sustain our communities and our way of life.

This bill aligns our land use policies with our investments. The State and counties have invested billions in rail. That investment only makes sense if we actually build the communities it was meant to serve. HB1739 ensures that we follow through by building homes where we have already put transit.

I urge you to pass this bill. Mahalo for the opportunity to testify.

HB-1739-HD-1

Submitted on: 2/25/2026 7:47:34 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lyn Pyle	Individual	Oppose	Written Testimony Only

Comments:

Testifying against HB 1739. This bill is too broad in scope and I am concerned it will stifle community input regarding density and environmental protections.

Portland, Oregon, is an example of environment and development coexisting harmoniously to make a beautiful and livable city. I don't think we should limit restrictions on buildings and give a green light to developers to build whatever they want. We need guardrails against inappropriate development and we need to be able to take community input into account. We need to be able to protect urban green spaces and design SMART density, not density at all costs.