

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 07, 2011 12:38 PM  
**To:** HSGtestimony  
**Cc:** prentissc001@hawaii.rr.com  
**Subject:** Testimony for HB1117 on 2/9/2011 10:45:00 AM  
**Attachments:** Testimony HB1117 home occupations.doc

Testimony for HSG/WLO 2/9/2011 10:45:00 AM HB1117

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Chuck Prentiss  
Organization: Chair, Kailua Neighborhood Board  
Address: 519 Wanaao Road Kailua, Hi 96734  
Phone: 8082636121  
E-mail: [prentissc001@hawaii.rr.com](mailto:prentissc001@hawaii.rr.com)  
Submitted on: 2/7/2011

Comments:

Kailua and many other residential communities in the State are under extreme pressure trying to maintain the character and livable residential areas that we all need to peacefully live and raise our families. Kailua has been especially hit hard by scofflaws who establish illegal B&B's and TVU's with little regard for their neighbors and the future of the community.

This bill recognizes the economic problems that some of our residents have, while at the same time does not promote the very damaging effects of further proliferation of tourist accommodations in residential areas. Please support Bill HB1117.

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White




Director of Council Services  
Ken Fukuoka

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

February 7, 2011

TO: Honorable Rida T. R. Cabanilla, Chair  
Committee on Housing  
Honorable Jerry L. Chang, Chair  
Committee on Water, Land, & Ocean Resources

FROM: Don Couch   
Council Member

DATE: Wednesday, February 9, 2011 at 10:45 a.m.

SUBJECT: **OPPOSITION TO HB 1117, RELATING TO HOME OCCUPATIONS**

Thank you for the opportunity to testify in opposition to this measure. The purpose of this measure is to regulate home occupations.

I opposed this measure for the following reasons:

1. The County of Maui has a distinction between "Home-based Business" and "Home Occupation". There is apparently no distinction in this measure.
2. This measure is more restrictive than what the County of Maui is considering.
3. Counties are in the best position to determine what types of home based occupations should be allowed in their residential districts. State intervention on this county issue usurps authority and repudiates home rule principles, without justification.

For the foregoing reasons, I oppose this measure.

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 05, 2011 2:47 AM  
**To:** HSGtestimony  
**Cc:** emmatsumoto@hotmail.com  
**Subject:** Testimony for HB1117 on 2/9/2011 10:45:00 AM

Testimony for HSG/WLO 2/9/2011 10:45:00 AM HB1117

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Eric M. Matsumoto  
Organization: Mililani Town Association  
Address: 95-303 Kaloapau St. Mililani, HI  
Phone: 282-4324  
E-mail: [emmatsumoto@hotmail.com](mailto:emmatsumoto@hotmail.com)  
Submitted on: 2/5/2011

Comments:

We request this bill be held for the following reasons: 1) In its broadness both PCAs and AOAOs are included in this bill, but both have specific prohibitions on in-home businesses, where homeowners expect a level of peace and quiet from the association restrictive covenants. 2) The bill specifies that "A county may regulate..." which is more likely that no regulations would be imposed in any sense of a timely manner from the effective date of the legislation. 3) While no trade activities are permitted in this bill, who is supposed to monitor and enforce the provision? 4) The associated problem is getting the work violations reported and stopped, which always fall on the neighboring property owners. This results in a win-lose situation and frequently ends up with both parties upset. It creates more problems than it solves in PCAs and AOAOs. 5) The peace and quiet purchasers of these association properties have enjoyed would be lost and the situation even more aggravating if imposed by legislative action. This bill needs to be held, and as such is so requested.



COMMUNITY ASSOCIATION MANAGEMENT

Queen's Court ◀ 800 Bethel Street, Suite 501 ◀ Honolulu, Hawaii 96813

February 4, 2011

## TESTIMONY HB 1117

### OPPOSE

Hawaii First is the third largest association management company in Hawaii and regularly conducts association meetings.

Condominium associations are residential dwellings where owners share common areas including parking. They are a place to come home to get away from business.

The proposed bill purports to encourage small business and families with children make a living. Condominiums have security, regulate parking, regulate hours for visitation, and provide home families for quiet enjoyment.

To impose a law that takes away the residential character of a condominium simply ignores the rights of families who do not want a business in their building. Allowing a business to accept customers at the expense of their neighbors is simply a bad idea.

Do you like the idea of a home entrepreneur providing massages at 2 a.m. in the morning? If a business had 5 customers for a day and they stayed one hour, it would practically absorb one guest parking stall and affect other residents who may have a guest. Residential buildings were not designed for commercial businesses as described in the bill. This law cause more problems than solutions and fails to address the realities and needs of living in a residential condominium association. It might force condominium associations to employ security or other operating costs thus increasing maintenance fees.

Respect for the needs for residential owners should not be thrown away. It is not practical for a condominium association.

I Oppose HB 1117.

Warmest aloha,

A handwritten signature in black ink, appearing to read "Richard Emery", written in a cursive style.

Richard Emery  
President



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honoluluodpp.org](http://www.honoluluodpp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

PETER B. CARLISLE  
MAYOR



DAVID K. TANOUE  
DIRECTOR

JIRO A. SUMADA  
DEPUTY DIRECTOR

February 9, 2011

The Honorable Rida T.R. Cabanilla, Chair  
and Members of the Committee on Housing  
The Honorable Jerry L. Chang, Chair  
and Members of the Committee on Water,  
Land, & Ocean Resources  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs Cabanilla, Chang, and Members:

**Subject: House Bill No. 1117  
Relating to Home Occupations**

The Department of Planning and Permitting (DPP) **opposes** House Bill No. 1117, establishing regulations for home occupations which supersede County zoning. While we recognize the intent of the bill to promote and facilitate the use of dwelling units for home-based businesses, the proposed bill is not necessary and may have detrimental effects on Oahu residential neighborhoods and agricultural lands.

Chapter 46-4, HRS, grants zoning power to the counties to implement the counties' general and development plans; and authorizes county councils to prescribe rules, regulations, and administrative procedures to exercise their zoning power. The bill infringes on county home rule.

The City and County of Honolulu's zoning code establishes restrictions and standards for home occupations as an accessory use to dwelling units to ensure minimal impacts on adjoining homes and to maintain the character and appearance of the residential neighborhoods. This is especially important as Honolulu typically has higher densities than residential communities on the Neighbor Islands. Multiple cars are associated with multi-generational households, and many neighborhoods do not have adequate on-street parking. Also, a significant number of dwellings lack the number of parking spaces required by the zoning code today. Consequently, our zoning code requires that a home-based business must be a minor and incidental part of the dwelling use and restricts employment in a home occupation to household members only. It also requires that additional parking must be provided for client visits to reduce the negative impacts of traffic and parking congestion on the residential neighborhood. By superseding county zoning and allowing business operators to have up to two employees, who are not members of the

The Honorable Rida T.R. Cabanilla, Chair  
and Members of the Committee on Housing  
The Honorable Jerry L. Chang, Chair  
and Members of the Committee on Water,  
Land, & Ocean Resources  
House of Representatives  
Re: House Bill No. 1117  
February 9, 2011  
Page 2

household, the proposed bill could negatively affect our neighborhoods by introducing more intensive commercial uses, which could rival or eclipse the principal dwelling use. The bill provides that a county may regulate activities (i.e., disruption to the surrounding neighborhood, unreasonable noise, or a violation to county ordinances relating to parking) of the owners with home occupations. However, it could be the two non-occupant employees who may be the source of these problems and, under the proposed bill, the county cannot prohibit these additional employees.

Also, the bill would allow occupants of dwellings on agriculturally zoned lands to conduct home occupations with up to two non-occupant employees; these small scaled businesses could significantly expand non-agricultural related commercial uses.

Each county is most familiar with its own community needs and conditions and should retain full zoning powers to regulate home occupations accordingly. We do not believe there is a compelling State interest in regulating what should remain a county matter, that is, the accessory use to a dwelling use.

We respectfully request that you not infringe on county zoning powers on a matter that should remain local and hold this bill in Committee.

Very truly yours,

  
David K. Tanoue, Director  
Department of Planning and Permitting

DKT:jmf

hb1117-HomeOcc-ec.doc