

7 Feb 2011

HB1431

Testimony in Support

Good morning....Chair Rep. Chang, Vice Chair Rep Har, and members of the Committee on Water Land & Ocean Resources I would like to submit testimony in support of **HB1431**.

I am a resident of an area which has Protective Provisions which state the developers' vision for the neighborhood. Their vision included greater frontage setbacks, wider streets with front lawns, and restrictions on the land's use such as limiting each parcel to only one single family dwelling and prohibiting rooming or boarding houses and any business whatsoever. These limitations, restrictions, covenants and conditions were thoughtfully constructed with the purpose of preserving and maintaining the attractiveness, values, and character of the residential neighborhood being planned. The Declaration of Protective Provisions were recorded with the Bureau of Conveyances as attachments to each deed, run with the residential lots, and transfer to new owners and successors.

About 30 years later, residents who believed in the value of the Protective Provisions gathered together and formed the Kahala Community Association whose mission is to monitor and, when necessary, enforce these covenants. I am currently one of the volunteers for our Association. I am here to speak in support of HR1431 because I would like to have the City of Honolulu be more supportive and in synch with not only our neighborhood's covenants but all the many other areas who also have their own protective provisions.

The Honolulu Land Use Ordinance (LUO) provisions, also referred to as zoning ordinances, govern and regulate the usage of land on Oahu. These regulations are the minimum standards under which the City's various agencies operate. All development projects must submit exhaustive land use and infrastructure plans to the City for approval. Increasingly and island-wide, neighborhoods exceed the LUO standards through development of their own more stringent private covenants. The City approves these development projects with the knowledge the stricter covenants supersede the minimums followed by the LUO.

This is where bill HR1431 comes in to play. Despite the awareness that many of Oahu's neighborhoods have covenants that are stricter than the City's, agencies such as the Department of Planning and Permitting issue permits which undermine the local community's rules by following the minimums. This creates contradictions about the rules, causes conflicts between owners and their associations and

between neighbors. Bill HR1431 addresses the contradiction and supports communities and their associations whose plans, including covenants, were submitted to and approved by the City.

HR1431 empowers and authorizes the City and County of Honolulu to abide by local restrictions where more stringent covenants exist. Passing this bill, together with the City's computerized system already in place, will support the Dept of Planning and Permitting to require an association's approval stamp or approval letter BEFORE approving permits. The information required is already in the City's system and it should be capable of flagging whole developments or individual Tax Map Keys (TMKs) which are known to have recorded covenants. This change will put the City and its neighborhoods on the same page and, after having approved the development plans, enables the City to support neighborhoods which are monitoring and enforcing their own rules in the effort to preserve their protective provisions.

Thank you for your consideration. I strongly urge members of the Committee to pass this measure.

Mahalo,

Nina Reppun Carney, President
Kahala Community Association

har3 - Megan

From: Kathy KCA [kathykca@gmail.com]
Sent: Friday, February 04, 2011 10:41 PM
To: WLOtestimony
Subject: WLO Feb 7 HB 1431

- Testifier's name with position/title and organization; Kathryn Kane, resident of Kahala since 1954. Kahala Community Association board member
- The Committee the comments are directed to; WLO
- The date and time of the hearing; Feb 7, 0900
- Measure number; HB 1431

While every effort will be made to copy, organize, and collate all testimony received, materials received on the day of the hearing or improperly identified or directed to the incorrect office, may be distributed to the Committee after the hearing.

Submit testimony in ONE of the following ways:

EMAIL: For comments less than 5 pages in length, transmit to WLOtestimony@Capitol.hawaii.gov; or

Dear Ms. Marumoto,

I am so happy that you are taking this on. I'm an original "Waiālae Kahala kid", long grown up. I remember the old days when it was a neighborhood with occupied homes, homes and yards that most took pride in. My kids, now 3rd generation, were raised here as well. I only hope one day that they can move in and raise their families in the old homestead.

I realize that I'm not the last surviving original Kahala-ite but I'd be one of the few living in original home. I'm now 60, having first moved to Kahala from Punchbowl into our new home as a 4 yr old. I do realize that some of the original owners are alive (barely) along with some who bought in the 60's as well. As such, some don't have the financial resources to maintain their homes. That is also a problem. Watering the lawns is an expensive proposition when most of the water used is for irrigation yet it has the sewer usage fee tacked on. I know BWS and C&C don't want to budge on that one. Another source of revenue to spend!

However, in the case of Genshiro Kawamoto, this man can well afford to water and maintain the homes he's purchased in Hawaii. Some of these homes, while not showpieces were old Hawaii homes. Now after being purchased by Genshiro Kawamoto, they are either neglected or in the case of Cecily Johnson's former home, bulldozed! Mr Kawamoto must be stopped before he destroys any more of lovely Hawaii.

Yes, it is a problem. I took some former Waialae Iki residents, of 25 yrs ago for a drive along Kahala Ave yesterday. They are living in Perth, Australia. I do send former residents articles about Hawaii and where they used to live. They were shocked when they saw it in person. The decay, the rubbish, the crumbling of foundations and walls the unkempt grass and vegetation, etc. All she could say is "why can't something be done, can't they fine them? Make Kawamoto keep the homes/ yards in good condition??"

Another long time resident/neighbor of 30+ yrs also mentioned that in Calif they cured the issue by selling his properties at auction. I don't have details but surely SOMETHING must be able to be worked out.

Fortunately we aren't living in the Ewa plain with foreclosures. I'm the type that would be over at a home like that, trying to rake the leaves, and if possible water as well.

I hope that either the C&C or will take this on and tackle it. They need a lot of gumption and should formulate a plan of action. Make Kawamoto quake in his boots as to what he might loose if he doesn't clean up his act!

I have a very important meeting at 10a.m. downtown tomorrow and don't think I can make it.

Keep up the fight and I only hope that your efforts come to fruition!

Aloha,
Mrs. Kathryn Kane

Dear Ms. Marumoto,

I am so happy that you are taking this on. I'm an original "Waialae Kahala kid", long grown up. I remember the old days when it was a neighborhood with occupied homes with homes and yards that most took pride in. My kids, now 3rd generation, were raised here as well. Stephanie and John Ishikawa are long time neighbors as well. I know Stephanie has worked on your campaign for years.

I realize that I'm not the last surviving original Kahala-ite. I'm now 60, having first moved to Kahala from Punchbowl into our new home as a 4 yr old. I do realize that some of the original owners are alive (barely) and some who bought in the 60's as well. As such, some don't have the financial resources to maintain their homes. That is also a problem. Watering the lawns is an expensive proposition when most of the water used is for irrigation yet it has the sewer usage fee tacked on. I know BWS and C&C don't want to budge on that one. Another source of revenue to spend!

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Aloha,
Mrs. Kathryn Kane

Mrs. Larry Doheny
Royal Place
Honolulu, Hawaii 96816

February 7, 2011

House Water, Land, Ocean Resources Committee
Room: State Capitol, 325: 9:00AM Hearing

Dear Chair Rep. Chang, Vice-Chair Rep. Har and Members:

Testimony in favor of HB 1431, Relating to Covenants

My name is Josh Doheny and I write to you in favor of HB 1431. The purpose of this bill is to allow counties to enact ordinances or adopt rules to enforce existing covenants on properties such as setbacks, building height, proper maintenance, etc.

Our neighborhood has been inundated in recent years with neglected properties. It has resulted in hazardous conditions along pedestrian right of ways, empty homes being used for possible illegal activities and an increase in unwanted bugs, mice and rats. This bill will allow the counties to police covenants on properties to ensure that they are properly maintained and used. Improperly maintained and used properties can cause hazardous conditions and loss of property value, particularly when neighbors try to sell properties.

Some neighborhoods in the state have already suffered loss of property values and hazardous conditions. Hazardous conditions include improperly maintained pools, and vermin such as rats and roaches running through them. Neighbors have complained, held meetings, met with property owners and have not had good results. This bill will give counties some teeth to police conditions that have the potential to ruin neighborhoods. Hazardous conditions and loss of property value run counter to the safety and economic health of the state. I therefore urge you to vote in favor of HB 1431.