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Statement of  
**MARY LOU KOBAYASHI**  
Planning Program Administrator, Office of Planning  
Department of Business, Economic Development, and Tourism  
before the  
**SENATE COMMITTEE ON WATER, LAND, AND HOUSING**  
Tuesday, February 8, 2011  
1:15 PM  
State Capitol, Conference Room 225

in consideration of  
**SB 600**  
**RELATED TO LAND USE.**

Chair Dela Cruz, Vice Chair Solomon, and Members of the Senate Committee on Water, Land, and Housing.

The Office of Planning (OP) opposes SB 600. SB 600 proposes to amend Chapters 46 and 205, Hawai'i Revised Statutes (HRS), to: (1) bar any County law, ordinance, and regulation from prohibiting a private landowner from allowing camping on lands classified in the State Agricultural or Rural Districts; and (2) allow camping, as defined in the bill, in the Rural and Agricultural Districts.

OP opposes SB 600 for the following reasons.

1. The Counties have adequate regulatory standards and procedures to accommodate requests for specific land uses in the State Agricultural and Rural Districts, and this particular legislation would interfere with the Counties' regulatory authority over a specific land use.

2. The bill would conflict with Section 205-4.5(a)(6), HRS, which explicitly excludes overnight camping as a permitted use on lands in the Agricultural District with Land Study Bureau overall productivity ratings of 'A' and 'B'.
3. OP is concerned that the amendment to Section 46-4(a), HRS, on page 1, line 15, could have the effect of making the adoption of regulations for county zoning districts discretionary. OP does not support this amendment as it would create uncertainty and lack of predictability with respect to County zoning for the public, landowners, and developers.

OP does not object to the bill's intent to allow camping in the Rural District. However, we recommend that amendments pertaining to the Rural District in Chapter 205 be considered within a broader, comprehensive review and reform of the Rural District, rather than on an incremental basis. OP has proposed comprehensive reforms to the Rural District in bills submitted in past legislative sessions should this be of interest to the Committee.

Thank you for the opportunity to testify.

TESTIMONY OF CYNTHIA REZENTES  
IN **STRONG OPPOSITION** TO S.B. NO. 600  
February 8, 2011

To: Chairman Donovan M. Dela Cruz and members of the Committee on Water, Land, and Housing

My name is Cynthia Rezentes and I am a resident of the Wai`anae Coast. In addition, while not speaking for the Nanakuli-Maili Neighborhood Board, I have been the Housing Committee Chair for over two years and deal with all issues relating to housing within the community, including issues dealing with the homeless. In that capacity, I am a member of the Leeward Housing Coalition which submitted a report to the Legislature this year in response to SCR 206 SD1 and HCR 262 HD1.

While I believe there were good intentions behind the introduction of this bill, I must **strongly oppose** this bill.

In the report submitted to the Legislature, the members of the LHC who participated in representing their social services and members of the community who participated in the process of preparing this report were very clear in their opposition to any further introduction into the community of shelters for the homeless including "safe havens (essentially shelters without walls)".

While I applaud the compassion of the individual, in Wai`anae, who believed they were doing a good deed in allowing a number of homeless to "reside" on their property many issues arose from that action of which the landowner is now liable to correct with the City and County of Honolulu and the State Department of Health.

This bill seeks to legalize that action but does not address the larger issues related to homelessness, speak to how (if at all) there will be services to help these campers from moving into other types of shelters/structures (essentially a "safe haven"), address whether this could be applied to anyone who wanted to set up a campground for commercial purposes or the responsibilities of the landowner who allows their property to be used in this fashion.

A review of this bill leads to the following questions:

1. Does the landowner have to get a commercial permit/license for this purpose?
2. Will the landowner be required to collect GET and TAT (if it is a campground that also provides services to visitor travelers, i.e. KOA Campground)?
3. What about rights for the landowner, e.g. right to evict (essentially tenant-landlord relationship)?
4. Who is responsible for damages due to "Acts of God," e.g. flooding, tsunami (if in an inundation zone), hurricanes, etc.?
5. Who will determine carrying capacity of a specific land area, e.g. landowner or via county rules/ordinance?
6. Will the landowner have to carry insurance? What about long-term "campers"?

7. How will the area be policed? Who has the authority to invite police onto the property to handle disputes (may be a problem if the landowner is not home)?
8. Will the landowner be subject to forfeiture of property if there is substance abuse found on the property, or trafficking of drugs, etc. even if not personally aware of those activities?
9. There is nothing that requires the landowner to hire anyone for security purposes....the way this bill is crafted allows the landowner to approach security as they wish. Who will inform the landowner that they have this responsibility?
10. Who has the responsibility to enforce? If the county does not support the additional responsibility without state funding will they be obligated to allow camping on private lands or will they just make the rules so difficult that this will not be easily allowed?
11. Can the fees also include things like property tax assessment apportioned out to the users of portions of the land? I would think that it could be construed to be a legitimate cost of use of the land that would not otherwise be available for other purposes.
12. This applies on the State defined agricultural lands. What if the County has agricultural lands zoned for other uses within the County Land Use Ordinances? Must it be allowed?
13. Any limitation on the amount of "stuff" individuals may collect on the land or is this to be the responsibility of the landowner? Camping is usually for a finite length of time and not long-term. If this becomes long-term to accommodate the homeless, what about the accumulation of "stuff" the homeless tend to accumulate?
14. Should there be something in here that says the landowner should not expect or apply for any State funds to promote this "service" What about county funds?
15. Currently, the City and County of Honolulu only allows less than or equal to five unrelated individuals in a domicile. How will this affect that limitation? Can counties still place such limitations on this effort?

With these many open questions and in support of the Legislative report submitted by the LHC, I must **oppose** this bill and request that you **HOLD** this bill.

Thank you for the opportunity to provide testimony on this bill.

Cynthia K.L. Rezentes  
Wai`anae resident