



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION**

**H.B. 1871, RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920,  
AS AMENDED**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.  
Director of Health**

**February 7, 2012  
9:00 a.m.**

1 **Department's Position:** The Department of Health **opposes** this measure which seeks an exemption  
2 from Section 321-11, Hawaii Revised Statutes, relating to certain department requirements.

3 **Fiscal Implications:** None.

4 **Purpose and Justification:** This bill seeks an exemption from Section 321-11, Hawaii Revised Statutes  
5 (HRS), relating to certain department requirements. The bill also seeks exemption from the  
6 department's occupancy requirements for single family and multi-family units. The Department  
7 currently does not have any rules or regulations for occupancy requirements of single family and multi-  
8 family units.

9 In 1991, the department adopted Chapter 62 of Title 11, Hawaii Administrative Rules (HAR),  
10 entitled "Wastewater Systems" based on the authorities provided in Sections 321-11 and 342D-4, HRS,  
11 to ensure that the use and disposal of wastewater did not contaminate or pollute any valuable water  
12 resource, did not give rise to public nuisance, and did not compromise public health and safety. Chapter  
13 11-62, HAR, provides rules and regulations for the proper design and construction of wastewater  
14 systems that are to be located in areas where a County sewer system is not available.

1 Through the implementation of Chapter 11-62, HAR, the department ensures that wastewater  
2 systems are properly installed to protect public health and safety and the environment, specifically,  
3 groundwater and surface waters. We are concerned that if this measure is passed, substandard  
4 wastewater systems may be constructed which could potentially compromise public health and safety.  
5 Furthermore, if exempted from Chapter 11-62, HAR, wastewater systems constructed may contaminate  
6 drinking water sources and surface waters.

7 In summary, the department does not support this bill because public health and safety and the  
8 environment may be compromised.

9 Thank you for the opportunity to testify on this measure.

NEIL ABERCROMBIE  
GOVERNOR



DWIGHT TAKAMINE  
DIRECTOR

AUDREY HIDANO  
DEPUTY DIRECTOR

**STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
Phone: (808) 586-8842 / Fax: (808) 586-9099  
Email: [dli.director@hawaii.gov](mailto:dli.director@hawaii.gov)

February 6, 2012

The Honorable Denny Coffman, Chair  
Committee on Energy and Environmental Protection  
House of Representatives  
State Capitol, Room 317  
Honolulu, Hawaii 96813

Dear Chair Coffman:

Subject: H.B. 1871 Relating to the Building Code

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD oppose H.B. 1871, which proposes to exempt the Department of Hawaiian Home Lands (DHHL) from building codes and permitting requirements.

The national building codes reflect a consensus that balances safety; cost/benefit; and the most technologically advanced products, materials, and processes. Code revisions are enacted slowly, and many are a result of a fatality or serious injury. The state and county building codes are a comprehensive compilation of codes that address all aspects of the built environment. When building codes are adopted at the state and county levels, they must undergo the administrative rules process, including being discussed at public hearings to allow the public an opportunity to participate and provide input.

By avoiding the county permit process, there may be no regulatory oversight to ensure that building plans are designed to current standards and construction is adhering to the approved plans and specifications. In addition, the building codes are minimum standards for occupant and fire fighter safety and health. If a building component was omitted or improperly installed, there are additional risks in the event of a fire or natural disaster in an already extremely dangerous environment. Although the county and state building and permitting processes are cumbersome at times, the potential risks to our citizens must be addressed. The building permit process should not be excluded to expedite construction or avoid delays. The potential life safety risks may be too great.

The Honorable Denny Coffman, Chair  
Page 2  
February 6, 2012

The SFC and the HFD urge your committee's deferral on the passage of H.B. 1871.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth G. Silva". The signature is written in a cursive style with a large, sweeping initial "K".

KENNETH G. SILVA  
Chair

KGS/LR:cn

NEIL ABERCROMBIE  
GOVERNOR  
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
  
MICHELLE K. KAUHANE  
DEPUTY TO THE CHAIRMAN  
  
M. WAIALEALE SARSONA  
EXECUTIVE ASSISTANT

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

ALAPAKI NAHALE-A, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
PROVIDING COMMENTS BEFORE THE HOUSE COMMITTEE ON  
ENERGY & ENVIRONMENTAL PROTECTION

**HB 1871, RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS  
AMENDED**

February 7, 2012

Chair Coffman, Vice-chair Kawakami, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) provides comments on this bill that proposes a building code and permitting process for Hawaiian Home Lands.

We appreciate that this legislation acknowledges DHHL's autonomy and exemption from building codes, however, the department chooses not to exercise this exemption to avoid difficulties with the financing and insurance of homes constructed on our lands. In concept, a building code and permitting process specific to DHHL could expedite the award of homestead leases to native Hawaiians, but the department is currently not equipped with the staff nor expertise to administer its own permits. Without solutions for the financing and insurance issues or the resources to hire additional staff, we are certain this bill would not sufficiently address the existing barriers to development of residential homesteads.

Mahalo for the opportunity to testify on this measure.

**Bernard P. Carvalho, Jr.**  
Mayor



**Robert F. Westerman**  
Fire Chief

**Gary K. Heu**  
Managing Director

**John T. Blalock**  
Deputy Fire Chief

**KAUA'I FIRE DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**  
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766  
TEL (808) 241-4980 FAX (808) 241-6508

February 3, 2012

The Honorable Denny Coffman, Chair  
Committee on Energy and Environmental Protection  
House of Representatives  
State Capitol, Room 317  
Honolulu, Hawaii 96813

Dear Chair Coffman:

**Subject: H.B. 1871 Relating to the Building Code**

I am Robert F. Westerman, member of the State Fire Council (SFC) and Fire Chief of the Kaua'i Fire Department (KFD). The SFC and the KFD oppose H.B. 1871, which proposes to exempt the Department of Hawaiian Home Lands (DHHL) from building codes and building permitting requirements.

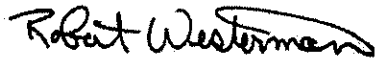
The national building codes reflect a consensus that balances safety; cost/benefit; and the most technologically advanced products, materials, and processes. Code revisions are enacted slowly, and many are a result of a fatality or serious injury. The state and county building codes are a comprehensive compilation of codes that address all aspects of the built environment. When building codes are adopted at the state and county levels, they must undergo the administrative rules process, including being discussed at public hearings to allow the public an opportunity to participate and provide input.

By avoiding the county permit process, there may be no regulatory oversight to ensure that building plans are designed to current standards, and construction is adhering to the approved plans and specifications. In addition, the building codes are minimum standards for occupant, as well as, fire fighter safety and health. If a building component was omitted or not installed properly, this places additional risks in the event of a fire or natural disaster in an already extremely dangerous environment. Although the state and county building and permitting processes are at times slow and burdensome, the potential risks to our citizens need to be addressed. The building permit process should not be excluded to expedite construction or avoid delays. The potential life safety risks may be too great.

The SFC and the KFD urge your committee's deferral on the passage of H.B. 1871.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

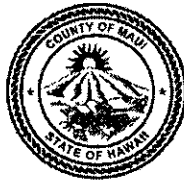
Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive style with a prominent flourish at the end.

Robert F. Westerman  
Fire Chief, County of Kauai

RFW/LR:cz

ALAN M. ARAKAWA  
MAYOR



JEFFREY A. MURRAY  
CHIEF

ROBERT M. SHIMADA  
DEPUTY CHIEF

**COUNTY OF MAUI**  
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
(808) 270-7561  
FAX (808) 270-7919  
EMAIL: fire.dept@mauicounty.gov

February 3, 2012

The Honorable Denny Coffman, Chair  
Committee on Energy and Environmental Protection  
House of Representatives  
State Capitol, Room 317  
Honolulu, Hawaii 96813

Dear Chair Coffman:

Subject: H.B. 1871 Relating to the Building Code

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC oppose H.B. 1871, which proposes to exempt the Department of Hawaiian Home Lands (DHHL) from building codes and building permitting requirements.

The national building codes reflect a consensus that balances safety; cost/benefit; and the most technologically advanced products, materials, and processes. Code revisions are enacted slowly, and many are a result of a fatality or serious injury. The state and county building codes are a comprehensive compilation of codes that address all aspects of the built environment. When building codes are adopted at the state and county levels, they must undergo the administrative rules process, including being discussed at public hearings to allow the public an opportunity to participate and provide input.

By avoiding the county permit process, there may be no regulatory oversight to ensure that building plans are designed to current standards, and construction is adhering to the approved plans and specifications. In addition, the building codes are minimum standards for occupant, as well as, fire fighter safety and health. If a building component was omitted or not installed properly, this places additional risks in the event of a fire or natural disaster in an already extremely dangerous environment. Although the state and county building and permitting processes are at times slow and burdensome, the potential risks to our citizens need to be addressed. The building



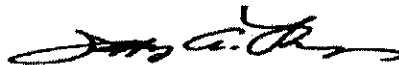
The Honorable Denny Coffman, Chair  
Page 2  
February 3, 2012

permit process should not be excluded to expedite construction or avoid delays. The potential life safety risks may be too great.

The MFD and the SFC urge your committee's deferral on the passage of H.B. 1871.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray".

JEFFREY A. MURRAY  
Fire Chief

**KUAKINI HAWAIIAN CIVIC CLUB OF KONA**  
Testimony of President Shane Akoni Palacat-Nelsen  
82-6026 Manini Beach Road, Captain Cook, HI 96704

**HOUSE BILL 1871**  
**RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED**

Before the House  
ENERGY AND ENVIRONMENTAL PROTECTION  
Tuesday February 7, 2012 9:00 a.m. Room 325

Aloha Chairman Coffman and members of the House Committee on Energy and Environmental Protection. Thank you for the opportunity for me to provide testimony. I am Shane Nelsen a life-long resident in Kona, and President of Kuakini Hawaiian Civic Club of Kona, and here to testify in **SUPPORT OF HB 1871 RELATING TO HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.**

The Kuakini Hawaiian Civic Club of Kona is a chartered club of the Association of Hawaiian Civic Clubs, serving the community since 2003. We are committed to uphold the long-held legacy, traditions, and philosophies of the Native Hawaiians, most importantly, the legacy of Prince Kuhio our founder and developer of the Hawaiian Homes Commission Act of 1920. We are firm advocates in the community and are concerned about the welfare of the Native Hawaiian Community.

The Hawaiian Homes Commission Act of 1920 was created for the betterment of the conditions of Native Hawaiians. It had no intentions to create further hardships on the Native Hawaiian population however; the Commission is faced with setbacks relating to building code restrictions contributing to delays in placing awardees into their homes.

HB1871 allows the Department of Hawaiian Home Lands (DHHL) to develop a building code that calls for unique planning/housing codes to address the special needs of the Native Hawaiians. DHHL has a reputation for a long waiting list to award lands, due to lack of infrastructure.

Chairman Coffman, I urge the Committee on Energy and Environmental Protection strongly support HB 1871.

Mahalo nui loa for your consideration of our testimony.

For further information please contact Shane Nelsen, President of Kuakini Hawaiian Civic Club of Kona at [shane.nelsen@gmail.com](mailto:shane.nelsen@gmail.com) .

**kawakami1 - Marissa**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 05, 2012 6:59 PM  
**To:** EEPtestimony  
**Cc:** crystalkpaul@yahoo.com  
**Subject:** Testimony for HB1871 on 2/7/2012 9:00:00 AM

Testimony for EEP 2/7/2012 9:00:00 AM HB1871

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Crystal Kia Paul  
Organization: Individual  
E-mail: [crystalkpaul@yahoo.com](mailto:crystalkpaul@yahoo.com)  
Submitted on: 2/5/2012

Comments:

**kawakami1 - Marissa**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 06, 2012 2:53 PM  
**To:** EEPtestimony  
**Cc:** MolokaiMAN@basicisp.net  
**Subject:** Testimony for HB1871 on 2/7/2012 9:00:00 AM

Testimony for EEP 2/7/2012 9:00:00 AM HB1871

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: George Peabody  
Organization: <http://www.MolokaiAdvertiserNews.com>  
E-mail: [MolokaiMAN@basicisp.net](mailto:MolokaiMAN@basicisp.net)  
Submitted on: 2/6/2012

**Comments:**

Stop this bill or you will create a race based slum area of Hawaiian Homesteads. DHHL does not have abilities needed to oversee and enforce building standards.

If you pass this, then everyone in Hawaii must be free of restrictive building codes and enforcement.

**kawakami1 - Marissa**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 06, 2012 10:26 PM  
**To:** EEPtestimony  
**Cc:** info@schha.com  
**Subject:** Testimony for HB1871 on 2/7/2012 9:00:00 AM

Testimony for EEP 2/7/2012 9:00:00 AM HB1871

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kamaki Kanahele, Chairman  
Organization: SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/6/2012

Comments:

**kawakami1 - Marissa**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 06, 2012 10:31 PM  
**To:** EEPtestimony  
**Cc:** info@schha.com  
**Subject:** Testimony for HB1871 on 2/7/2012 9:00:00 AM

Testimony for EEP 2/7/2012 9:00:00 AM HB1871

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Herbert Hew Len, President  
Organization: Waianae Kai Homestead Community Assn, SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/6/2012

Comments:  
just submitted for Herbert Hew Len - resubmitting with correction to organization.

**kawakami1 - Marissa**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 06, 2012 10:29 PM  
**To:** EEPtestimony  
**Cc:** info@schha.com  
**Subject:** Testimony for HB1871 on 2/7/2012 9:00:00 AM

Testimony for EEP 2/7/2012 9:00:00 AM HB1871

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Annie Au Hoon, President  
Organization: Kewalo Hawaiian Homestead Comm Assoc, SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/6/2012

Comments:

**kawakami1 - Marissa**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 06, 2012 10:32 PM  
**To:** EEPtestimony  
**Cc:** info@schha.com  
**Subject:** Testimony for HB1871 on 2/7/2012 9:00:00 AM

Testimony for EEP 2/7/2012 9:00:00 AM HB1871

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kimo Kelii, Vice President  
Organization: Nanakuli Hawaiian Homestead Community Assn., SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/6/2012

Comments:  
just submitted for Herbert Hew Len - resubmitting with correction to organization.



**kawakami1 - Marissa**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 06, 2012 10:23 PM  
**To:** EEPtestimony  
**Cc:** info@schha.com  
**Subject:** Testimony for HB1871 on 2/7/2012 9:00:00 AM

Testimony for EEP 2/7/2012 9:00:00 AM HB1871

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Mike Kahikina, Legislative Chairman  
Organization: SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/6/2012

Comments:

**kawakami1 - Marissa**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 06, 2012 10:33 PM  
**To:** EEPtestimony  
**Cc:** info@schha.com  
**Subject:** Testimony for HB1871 on 2/7/2012 9:00:00 AM

Testimony for EEP 2/7/2012 9:00:00 AM HB1871

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Beatrice Hew Len  
Organization: Mokupuni O Oahu, SCHHA  
E-mail: [info@schha.com](mailto:info@schha.com)  
Submitted on: 2/6/2012

Comments:  
just submitted for Herbert Hew Len - resubmitting with correction to organization.