



OFFICE OF PLANNING STATE OF HAWAII

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GOVERNOR

JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

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Statement of
JESSE K. SOUKI
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON HOUSING
Monday, January 27, 2014
9:00 AM
State Capitol, Conference Room 329

in consideration of
HB 1915
RELATING TO AGRICULTURE.

Chair Hashem, Vice Chair Woodson, and Members of the House Committee on Housing.

The Office of Planning offers the following comments on House Bill 1915. Agricultural employee housing is presently allowed in Hawaii Revised Statutes (HRS) Chapter 205 without invoking the Special Permit provisions of HRS § 205-6. The bill proposes to amend HRS § 205-6 to allow use of the Special Permit process to exempt agricultural employee housing from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of buildings thereon.

Pursuant to HRS §§ 205-2(d)(7) and 205-4.5(a)(4), farm dwellings and employee housing used in connection with a farm are already permitted uses within the State agricultural district.

Thank you for the opportunity to testify.

woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 25, 2014 11:19 PM
To: HSGtestimony
Cc: legechair@gmail.com
Subject: Submitted testimony for HB1915 on Jan 27, 2014 09:00AM

HB1915

Submitted on: 1/25/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Individual	Support	No

Comments: We need this to pass

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NEIL ABERCROMBIE
Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613



TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON HOUSING
MONDAY, JANUARY 27, 2014
9:00 A.M.
Room 329
HOUSE BILL NO. 1915
RELATING TO AGRICULTURE

Chairperson Hashem and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1915 that creates an exemption for agricultural employee housing from all State and county laws, rules, and standards except for health and safety. The Department of Agriculture does support the establishment of farm worker housing but has concerns with the manner proposed in this bill. Agricultural employee housing is already a permitted use on all agricultural lands, pursuant to Sections 205-2(d)(7)) and 205-4.5(a)(4), Hawaii Revised Statutes. Each county has ordinances, rules, and regulations governing how agricultural employee housing is to be allowed.

State and County laws have been developed to provide checks and balances to reduce the likelihood of abuse. We fear exempting agricultural employee housing from all State and County laws would open the door to potential misuse of agricultural lands.

Thank you, again, for the opportunity to testify on this measure.



woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 7:28 AM
To: HSGtestimony
Cc: jsimpliciano@gmail.com
Subject: *Submitted testimony for HB1915 on Jan 27, 2014 09:00AM*

HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
james simpliciano	HFUU	Support	No

Comments:

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To: HSGtestimony
Cc: robtarver1953@gmail.com
Subject: *Submitted testimony for HB1915 on Jan 27, 2014 09:00AM*

HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Rob Tarver	Individual	Support	No

Comments:

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woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 11:08 AM
To: HSGtestimony
Cc: mauiwit@hotmail.com
Subject: *Submitted testimony for HB1915 on Jan 27, 2014 09:00AM*

HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Christine L. Andrews, J.D.	Individual	Support	No

Comments:

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woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 12:10 PM
To: HSGtestimony
Cc: sustainablesakala@gmail.com
Subject: Submitted testimony for HB1915 on Jan 27, 2014 09:00AM

HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Sakala	Hawaii Farmers Union United	Support	No

Comments: Aloha Representatives, As Vice President of the Kona Chapter of the Hawaii Farmers Union I hear on a regular basis how farm worker housing is an issue. You have bill before you that will begin to help solve this major agriculture issue. Thank you for supporting Bill HB 1915. Mahalo, Steve Sakala

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 7:28 AM
To: HSGtestimony
Cc: luann@tinroofranch.org
Subject: *Submitted testimony for HB1915 on Jan 27, 2014 09:00AM*

HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
luann casey	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 5:13 PM
To: HSGtestimony
Cc: michelle.kwik@cox.net
Subject: Submitted testimony for HB1915 on Jan 27, 2014 09:00AM

LATE

HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Kwik	Individual	Support	No

Comments: I recently bought 2.74 acres and will be starting a farm. I am already 55 and will need help. I have non-related family that want to come and farm with me but I need to be able to house them. I hopefully will create enough food for many people, help to educate many, and if life gets crazy these small farms are going to help people survive. I was at a large meeting last week with about 50 people and so many people in their 50's need help farming their land otherwise they need to sell the land. Young people are very rare here in Maui in the farm areas most people are in their 50,60, year range because we are old enough to afford the land. The young ones with energy and strength are going to Oregon, Washington, Northern Cali., Vermont, etc. because land is much less money. We need to give to these young people so they feel they can stay, work, and hopefully afford their own land sooner than later....We need laws that allow us to build safe and comfortable small sustainable homes for these young people.

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woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 1:06 PM
To: HSGtestimony
Cc: jdancer@kula.us
Subject: *Submitted testimony for HB1915 on Jan 27, 2014 09:00AM*



HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
John NAYLOR	Individual	Support	No

Comments:

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LATE



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

January 27, 2014

HEARING BEFORE THE
HOUSE COMMITTEE ON HOUSING

TESTIMONY ON HB 1915
RELATING TO AGRICULTURE
Room 329
9:00 A.M.

Aloha Chair Hashem, Vice Chair Woodson, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,832 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

Hawaii Farm Bureau ~~strongly opposes~~ HB1915, seeking permit exemptions for certain employee housing for agricultural workers.

Recently, farms and ranches across the State were inspected by the U.S. Department of Labor and faced serious fines relating to employee housing. Agricultural employee housing does not just come under the jurisdiction of the State and County but under the Department of Labor. Requirements go beyond permit requirements into how homes are maintained. This provision implies that agricultural employee housing may be exempted from certain requirements, which will be problematic as we are trying to educate our farmers and ranchers about the requirements of the US DOL law.

The sections of concern are:

- (A) The commission finds that the agricultural employee housing meets minimum requirements of health and safety
- (B) The agricultural employee housing does not contravene any safety standards or tariffs approved by the public utilities commission for public utilities.

Minimum requirements in (A) may not be consistent with MSPA requirements and (B) is problematic since PUC does not inspect for building code compliance.

The law in question is the Migrant and Seasonal Protection Act. While the name may provide an impression that it applies to migrant workers which we tend not to have in Hawaii and seasonal workers who may be limited to coffee and macadamia operations, that is not true. It applies to any employer with more than 500 man days of work per

quarter. A man day is defined as work for at least 1 hour per day. 5 workers working for 1 hour per day equals 5 man days – it does not mean total hours divided by 8.

Here are some provisions of the law:

- Permit must be obtained and posted prior to occupancy
- Terms and conditions of the housing must be posted at the housing site
- Housing must meet safety and health standards

Shelter

- Protection from the elements
- 50 square feet of sleeping space per occupant
- Beds and storage for each occupant
- Floors smooth and tight
- Proper ventilation
- Windows that open
- All openings screened
- Cooking facilities
- **Compliance with all state and local codes**

HFBF is working with the US Department of Labor to ensure compliance by our farms and ranches. Measures such as this are in conflict with these Federal regulations. Even if farms and ranches do not fall under this law at this time, they could as they expand operations. Exemptions may result in conditions that prove problematic for future compliance. The US Department of Labor should be consulted before considering passage of this measure.

Due to the above concerns, HFBF respectfully requests that this measure be held. If there are any questions, please contact Warren Watanabe at 281-9718. Thank you.

LATE



1768 Kalawi Place
Wailuku (Maui), Hawaii 96793

January 25, 2014

Email Testimony to:

The Honorable Mark J. Hashem
Chair House Committee on Housing
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813
rephashem@capitol.hawaii.gov

Vincent Mina
President
Maui

Aloha Chairman Hashem,

We fully support HB 1915 and the intent of this bill. Thank you for scheduling the hearing. With the housing shortage in Hawaii, we believe that this will help alleviate some of the shortage of not only the housing, but of affordable labor for farmers. We will be watchful for instances of abuse, and discourage such behavior.

Simon Russell
Vice-President
Maui

David Case
Secretary
Kona

Mahalo nui loa,

HAWAII FARMERS UNION UNITED

Ray Maki
Treasurer
Kauai

Vincent Mina

President

Pamela Boyer
Member
Oahu

www.hawaiifarmersunionunited.org
PH (808) 357-4999

David Fisher
Member
Maui

The Hawaii Farmers Union and its Chapters is a nonprofit corporation formed under Hawaii law. It advocates for the sovereign right of farmers to create and sustain vibrant and prosperous agricultural communities for the benefit of all Hawaii through cooperation, education and legislation.



HOUSE COMMITTEE ON HOUSING

January 27, 2014, 9:00 A.M.
(*Testimony is 1 page long*)

~~TESTIMONY IN OPPOSITION TO HB 1915~~

Aloha Chair Hashem and Members of the Committee:

The Sierra Club, Hawaii Chapter, with over 12,000 dues paying members and supporters statewide, ~~opposes~~ HB 1915. This measure allows residential housing on agricultural lands and gives the county planning commission the authority to exempt these projects from “all statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, zoning, construction standards for subdivisions, development, and improvement of land. . . .”

While we fully support efforts to increase the attractiveness and viability of farming in Hawai‘i, we must balance those interests against other critical environmental and societal goals while minimizing the opportunity for commercial interests to exploit resources at the public’s and future generations’ expense. The most troubling aspect of this measure is the invitation to allow housing without any particular controls, particularly on agricultural lands that can or should be designated as “important agricultural lands.” Nor is there any obligation to continue agricultural activities once the development — potentially a gentleman’s estate — is built.

First, the counties historically have been lax in defending the land use law and preventing rural sprawl on agricultural lands. Due to weak enforcement of agricultural land protection, farmland has been subject to the type of real estate speculation that drives up the price of land further out of reach for local residents and local farmers. It has made it difficult to effectively plan Hawaii’s future and ensure orderly development. Further, residential developments on ag-zoned lands do not allow for adequate public input on the impact on our community. It should also be noted that this measure fails to contain controls on what type of housing may be built, it still may open the door to further abuse unless additional protection is put into place.

Second, while we understand that housing for farm workers is important to support farm activities, why does the residential housing need to be built on lands that could be designated as “important?” Such housing should be put on adjacent rural lands or, if absolutely necessary, on agricultural lands not eligible for IAL designation.

Mahalo for the opportunity to testify.

woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 7:50 PM
To: HSGtestimony
Cc: casedavids@gmail.com
Subject: Submitted testimony for HB1915 on Jan 27, 2014 09:00AM



HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
David S. Case	Individual	Support	No

Comments: This is a sensible measure to reduce labor costs and promote the family farm.

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woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 8:03 PM
To: HSGtestimony
Cc: chetanaa@hotmail.com
Subject: *Submitted testimony for HB1915 on Jan 27, 2014 09:00AM*



HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Chetanaa Petra Zoeller	Individual	Support	No

Comments:

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woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 8:36 PM
To: HSGtestimony
Cc: cocolafo@gmail.com
Subject: *Submitted testimony for HB1915 on Jan 27, 2014 09:00AM*



HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
behrendt sara	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 8:53 PM
To: HSGtestimony
Cc: dfisherhi@gmail.com
Subject: *Submitted testimony for HB1915 on Jan 27, 2014 09:00AM*



HB1915

Submitted on: 1/26/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
David B. Fisher	Individual	Support	No

Comments:

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woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 27, 2014 7:29 AM
To: HSGtestimony
Cc: robertscottwall@yahoo.com
Subject: Submitted testimony for HB1915 on Jan 27, 2014 09:00AM

LATE

HB1915

Submitted on: 1/27/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Wall	Community Alliance for Mental Health	Support	No

Comments: Aloha Chair Belatti and members of the committee, On behalf of the Community Alliance for Mental Health along with United Self Help we support HB1915. This bill is an important step in addressing our state's critical housing shortage. Scott Wall VP/Legislative Advocate Community Alliance for Mental Health

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DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

January 27, 2014

LATE

The Honorable Jessica Wooley, Chair
and Members of the Committee on Agriculture
Hawaii State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Wooley and Committee Members:

**Subject: House Bill No. 1915
Relating to Agriculture**

The Department of Planning and Permitting (DPP) ~~opposes House~~ Bill No. 1915, which allows for the exemption of farm-based housing for certain agricultural employees from state and local laws and regulations through a special permit process.

We support the promotion of agriculture and housing for farm employees. However, employee housing is already allowed as a supporting use to bona fide agricultural services without a special permit in Section 205-2(d), Hawaii Revised Statutes. We do not support the proposal to exempt employee housing from certain regulations, including the building permit process, through a special permit. The potential health and safety risk of unpermitted construction is a serious concern. Moreover, without a building permit, compliance with applicable federal requirements, such as flood hazard district restrictions, may be jeopardized. The permitting review and approval process is in place to assure that all standards and codes (building, electrical, plumbing, etc.) are being adhered to in order to provide for the health and safety of occupants. Farm employees should not be treated differently.

Lastly, we are concerned about defining a particular use as permissible by special permit. The special permit process already allows uses that are not listed as permissible under Chapter 205-4.5. This unique treatment for farm dwellings has unknown ramifications for other uses not specified. Therefore, please hold this bill in Committee.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in cursive script that reads "George I. Atta".

George I. Atta, FAICP
Director

GIA: cl
HB1915-ba

woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 27, 2014 9:04 AM
To: HSGtestimony
Cc: lehuahana@gmail.com
Subject: *Submitted testimony for HB1915 on Jan 27, 2014 09:00AM*

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RECEIVED
Date & Time
Jan 27, 2014, 2:05 pm

HB1915

Submitted on: 1/27/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Ashlie Vander Velde	Individual	Support	No

Comments:

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woodson1-Brina

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 27, 2014 10:20 AM
To: HSGtestimony
Cc: james@confiso.com
Subject: *Submitted testimony for HB1915 on Jan 27, 2014 09:00AM*

RECEIVED
Date & Time
Jan 27, 2014, 2:09 pm

HB1915

Submitted on: 1/27/2014

Testimony for HSG on Jan 27, 2014 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
James Frazier	Individual	Support	No

Comments:

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