

HSGtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 9:45 PM
To: HSGtestimony
Cc: chinooker@gmail.com
Subject: *Submitted testimony for HB738 on Feb 4, 2013 08:45AM*

HB738

Submitted on: 2/1/2013

Testimony for HSG on Feb 4, 2013 08:45AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HSGtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 4:04 PM
To: HSGtestimony
Cc: Don.Couch@mauicounty.us
Subject: *Submitted testimony for HB738 on Feb 4, 2013 08:45AM*

HB738

Submitted on: 2/1/2013

Testimony for HSG on Feb 4, 2013 08:45AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Councilmember Don Couch	Individual	Oppose	No

Comments:

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February 4, 2013

The Honorable Rida T.R. Cabanilla

House Committee on Housing
State Capitol, Room 329
Honolulu, Hawaii 96813

RE: H.B. 738, Relating to Land Use

HEARING: Monday, February 4, 2013 at 8:45 a.m.

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

I am Aron Espinueva, Government Affairs Analyst, submitting comments on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,000 members. HAR **supports** H.B. 738, which requires the counties to allow the construction of accessory dwelling units on lots where residential dwelling unit is permitted.

While housing continues to be one of the brighter spots in Hawaii's economy, affordable housing is still beyond the reach of many kama'aina – and not just the indigent and working poor. Today's face of affordable housing is not just our homeless, but our child's schoolteacher, our firefighter, nurse and police officer as well. Families that work hard to get on the housing ladder and begin building equity can, in the long run, be more self-reliant than those who don't take that step.

'Ohana dwelling units or 'ohana housing were created in 1981 as a way to encourage the private sector to create more housing units without government subsidy, preserve green fields (open space), and ease housing affordability.

Each county in Hawai'i has its own rules and regulations concerning 'ohana dwelling units. As such, HAR supports this measure as it allows for the counties to maintain the authority to manage the rules and regulations for 'ohana dwelling units.

Mahalo for the opportunity to testify.

Council Chair
Gladys C. Baisa

Vice-Chair
Robert Carroll

Council Members
Elle Cochran
Donald G. Couch, Jr.
Stacy Crivello
Don S. Guzman
G. Riki Hokama
Michael P. Victorino
Mike White




Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 1, 2013

TO: The Honorable Rida T. R. Cabanilla, Chair
House Committee on Housing

FROM: Gladys C. Baisa 
Council Chair

SUBJECT: **HEARING OF FEBRUARY 4, 2013; TESTIMONY IN OPPOSITION TO HB 738,
RELATING TO LAND USE**

Thank you for the opportunity to testify in opposition to this important measure. The purpose of this measure is to require the counties to allow the construction of accessory dwelling units on lots where a residential dwelling unit is permitted.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

1. The measure usurps a county's authority to regulate development standards for housing through its zoning ordinances. Such standards appropriately lie in the discretion of each individual county to regulate.
2. Currently, a landowner within Maui County with the appropriate zoning is permitted to build one single-family dwelling unit on a lot of only 3,000 square feet. An accessory dwelling is currently permitted only where the lot area on which the main house is located is 7,500 square feet or more. The measure would force the County to allow accessory dwellings on residential lots ranging from 3,000 to 7,499 square feet in size irrespective of conformance with other development standards, impacts on the adequacy of infrastructure, and impacts on neighbors and community health and safety concerns certain to result from the increased density.
3. Requiring a County to permit an accessory dwelling without regard to other factors does not equate to providing affordable, elderly, or transitional housing. While the goal may be laudable, without restrictions on use that would compel the construction of housing for those purposes, such housing would likely be dictated by market forces.
4. Only yesterday, the Maui County Council's Planning Committee considered, and rejected, proposed legislation to amend the County Code to allow accessory dwelling units on residential lots of 6,000 to 7,499 square feet, for the very reasons noted above.

For the foregoing reasons, I oppose this measure.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



JIRO A. SUMADA
ACTING DIRECTOR

February 4, 2013

The Honorable Rida T. R. Cabanilla, Chair
and Members of the Committee on Housing
Hawaii State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Cabanilla:

Subject: House Bill No. 738
Relating to Land Use

The Department of Planning and Permitting **opposes** House Bill No. 738 as an unwarranted infringement on County zoning authority established by Section 46-4, Hawaii Revised Statutes. The bill would require each County to adopt "reasonable standards" to allow the construction of "one single-family dwelling unit and one accessory dwelling unit" on any lot where a residential dwelling unit is permitted. The bill would define an "accessory dwelling unit" as "a separate additional dwelling unit, including separate kitchen, bedroom, and bathroom facilities, attached or detached from the primary residential dwelling unit." Occupancy of such an accessory unit would not be limited to family members; rather it would be available to anyone. Therefore, State law would mandate that the counties allow an additional dwelling unit on any residential lot of any size—regardless of that lot's underlying infrastructure. The bill thus has the potential to cause severe adverse impacts on residential areas, including negative effects on sewers, traffic, roadways, parking, water, public parks, and schools.

For your information, the City and County of Honolulu ("the City") already has in place provisions to encourage housing development. For example, the City's zoning code (Land Use Ordinance [LUO], Section 21-8.20-1), allows ohana dwellings in areas which have been determined by the appropriate government agencies to have adequate public facilities to accommodate such dwellings. Also, pursuant to the LUO, Section 21-9.20A, the City has acknowledged the importance of allowing multiple dwelling units on a single lot. The code permits a maximum of eight dwelling units on a single lot in a Country or Residential Zoning District, as long as that lot has an area equal to or greater than the required minimum lot size for the underlying zoning district multiplied by the number of dwelling units on or to be placed on the lot. The City therefore recognizes the desirability of encouraging the development of infill/affordable housing, but only in areas where the infrastructure is available to support that housing. The City does not believe that the development of new dwellings should come at the cost of lowering the living standards of the surrounding neighborhood.

The Honorable Rida T. R. Cabanilla, Chair
and Members of the Committee on Housing
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As explained above, House Bill No. 738 would preempt appropriate standards for the development of housing now found in the City's zoning code. We therefore ask that the bill be held in committee. If the Legislature finds that the bill should be enacted into law, we request that the bill be amended to exclude the City from its requirements. But this should only be done after consulting with the other counties to determine if those local governments have existing alternative mechanisms that encourage the development of affordable and/or infill housing.

Thank you for your consideration.

Very truly yours,


Jiro A. Sumada, Acting Director
Department of Planning and Permitting

JAS:jmf

hb738LandUse-j.doc



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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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, February 4, 2013

8:45 AM

State Capitol, Conference Room 329

in consideration of
HB 738
RELATING TO LAND USE.

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

The Office of Planning (OP) supports the intent of House Bill 738, which would amend Hawaii Revised Statutes (HRS) §46-4, to require counties to allow the construction of accessory dwelling units on lots where a residential dwelling unit is permitted.

The bill should specifically not apply to farm dwellings in the State Agricultural District. The purpose of HRS Chapter 205 is to “preserve, protect and encourage the development of the lands in the State for those uses to which they are best suited for the public welfare[.]” See L. 1961, c 187, §1. A major objective of HRS Chapter 205 is to protect agricultural lands and ensure their continued availability for agricultural use. If the bill applies to the State Agricultural District, agricultural land values will increase to the detriment of farmers seeking to acquire lands to pursue agricultural activities.

Thank you for the opportunity to testify.