

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON JUDICIARY

**FEBRUARY 23, 2017
2:00 P.M.
CONFERENCE ROOM 325**

**HOUSE BILL NO. 2 HD1
RELATING TO AGRICULTURE**

Chairperson Nishimoto and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2 HD1 that seeks to amend Chapter 205 by authorizing “tiny homes” of less than 500 square feet for farm workers on licensed farms in agricultural districts in a county with a population of more than 180,000 but less than 250,000, notwithstanding any county ordinance or regulation to the contrary. The Department of Agriculture has strong concerns about this measure that, if passed, may result in adverse consequences and offers comments.

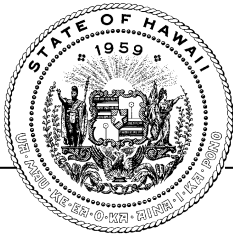
Section 205-4.5(a)(4), already identifies “employee housing” related to farming and animal husbandry as a permitted use throughout the State. Section 46-4 authorizes the counties to undertake land use zoning in accordance with plans to guide the overall development within each county. This includes “The location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered.” HB2 circumvents this county authority by allowing “tiny homes” where they are occupied by farm workers and immediately family members on a farm with a business license and currently engaged in agricultural production on Hawaii County. Chapter 205 is replete with piecemeal amendments that attempt to address a problem by imposing a solution upon the counties. The



Page 2

Department is concerned that these “tiny homes” do not become de facto residential dwellings if the County is unable to adequately monitor and enforce the farm worker/family occupancy requirement for these “tiny homes.”

Thank you for the opportunity to testify on this measure.



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DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON JUDICIARY
Thursday, February 23, 2017
2:00 PM
State Capitol, Conference Room 325

in consideration of
HB 2, HD1
RELATING TO AGRICULTURE.

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary.

The Office of Planning (OP) opposes HB 2, HD1 which would amend Hawaii Revised Statutes (HRS) § 205-4.5 (a)(4) to allow dwellings of less than 500 square feet, whether stationary or mobile, as a farm dwelling on lands in the State Agricultural Land Use District in a county with a population more than 180,000 and less than 250,000.

OP fully supports efforts to help local farmers and grow the State's agricultural economy, including the need for housing for farm labor, but this is not an issue that can be solved simply by relaxing land use regulatory standards.

HB 2, HD1 has the potential to place farm labor families at risk of exposure to dust and pesticides and other public health and safety concerns. It also provides another pathway for non-agricultural residential use in the State Agricultural District, which could contribute to further use of these dwellings for transient accommodations, increases in agricultural land values, and exurban sprawl without attendant public facilities and services.

In addition, OP has the following objections to the bill as written:

- The counties have ample authority under HRS Chapter 205 and HRS § 46-4 to enact ordinances for acceptable forms of affordable farm labor housing, such as proposed in HB 2, HD1, and this kind of initiative should be pursued at the county-level. Thus, OP believes this measure is unnecessary;
- HRS Chapter 205 is general law that defines State policy and thresholds for standards for land use within the State land use districts, to be applied uniformly in counties

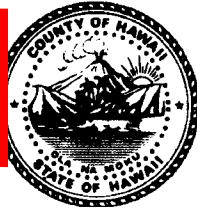
statewide, regardless of location. This provides a level of consistency and predictability for land use statewide, and enables uses of general benefit to be applicable statewide. HB 2, HD1 targets this new provision to a particular county, and could disadvantage farmers elsewhere in the State; and

- As written, the amendment to HRS § 205-4.5 (a)(4) will be problematic for county implementation and enforcement, and frustrate county efforts to regulate and control non-agricultural residential uses in the State Agricultural District. The definition of the term “Business license” is very broad and could lead to abuse, and the amendment for “farm dwelling” would weaken the requirement for a farm dwelling to be accessory to activity generating agricultural income.

OP respectfully requests that this measure be held or deferred. Thank you for the opportunity to testify on this measure.

Harry Kim
Mayor

LATE



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i
Office of the Mayor

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(808) 323-4444 • Fax (808) 323-4440

February 23, 2017

Representative Scott Nishimoto
Judiciary Committee
Hawai'i State Capitol
Honolulu, HI 96813

Dear Chair Nishimoto and members:

RE: **HB 2**

Thank you for this opportunity to comment on HB 2.

The problem of unaffordable housing calls for creative thinking, and therefore I must thank Representative Evans for presenting the idea of "tiny homes," and thank this committee for giving the idea a hearing.

Although we do not like the idea of the State overriding County ordinances or regulations, I want to assure Representative Evans and this Committee that we will be considering all options, including tiny homes that might help with our housing crisis.

We are looking for solutions. I have just directed my departments to do everything in their power to figure out how to bring down the cost of housing.

If there is a State requirement that would be a barrier to "tiny homes," and the Legislature wants to use HB2 to say that the counties can proceed "notwithstanding any State law to the contrary," we would welcome it.

Respectfully submitted,

A handwritten signature in black ink that reads "Harry Kim".

Harry Kim
Mayor

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 11:50 AM
To: JUDtestimony
Cc: marcy@full-circle.org
Subject: Submitted testimony for HB2 on Feb 23, 2017 14:00PM

HB2

Submitted on: 2/22/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
marcy montgomery	Hawaii Island Food Alliance	Support	No

Comments: (comments from the group at quarterly meeting) 1. Tiny Houses can be built with locally sourced materials – for example albizia. Last year’s winner for the UH Presidents’ Green Initiative Award was a student using albizia for construction. UH student sustainability club is also following up on recycling plastics in island households and may be used in construction for tiny homes. 2. I support tiny homes in Hawaii and look forward to policy change to support this movement. Legally allowing tiny homes in our state would help alleviate a serious lack of housing for seniors, homeless and family members with special needs that require oversight. Additionally, allowing tiny homes on ag land would help to encourage smaller producers as well as larger farms to meet housing / office needs on site. 3. I urge confirmation of zoning for ag and residential use for less than 5 acres to secure the ability to erect a tiny house. We need a “fast-pass” for building permits for tiny homes less than 500 square feet. 4. We need progressive allowances for tiny house hook-ups to existing utility infrastructure (ie water, electric, sewer) or assistance to potential builders for alternatives (solar, compost toilet, etc.). 5. Our food system is crippled by a lack of housing for farmers. In order to attract more farmers to farm, we need to provide decent housing ON THE FARM. Tiny Houses are a great solution! 6. Imagine a young farmer trying to farm a leased lot that she isn't allowed to live on. To survive, she has to have a nearly full time job in town to pay her rent, living and transportation costs, with only time to work on the farm a few mornings or on weekends (with no days off). We will never change our dependency on imported foods - never - if we don't let farmers lower their living costs by allowing them to live on the land they farm. Tiny homes are a smart, easy solution to farmer and farm worker housing. 7. HIFA is an organization working on the food and health connection. We need local healthy food production to increase. Farm housing is one of the key barriers we need to solve and Tiny Homes are an affordable solution.

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HB 2 – Think BIG – Support Tiny Homes!



Aloha and thank you for hearing the Tiny House Farm Housing Bill comments.

This is Marcy Montgomery, writing in support for the 2017 HB 2 promoting On Farm Tiny Houses. The climate and lifestyle of Hawaii encourages an indoor/outdoor lifestyle. It is also one of the best settings in the world to implement green building and energy efficient practices. Many farmers are wanting to down size the scale of their indoor living spaces, lower their cost for housing, be on farm to monitor their crops, lower farmworker rental housing and transportation/commute costs, spend more time farming, and lower the environmental impact of their housing.

Tiny Houses are a great solution for our affordable housing crisis. On-farm housing is an ESSENTIAL BUILDING BLOCK to reclaiming our State's, and Hawaii Island's, local food system.

Tiny Houses – on wheels or on foundations – are a perfect solution for getting Farmers on their land farming more locally grown food, and in turn increasing our island food security.

I support making a State level decision that allows Tiny Houses, both mobile and permanent, to become viable farm worker and farm owner housing. I ask you to approve this Bill, and to keep in mind that it should apply to future building as well as retroactive to small dwellings that can be grandfathered in as small on-site farm homes.

To lower barriers to affordable housing, I support following other States' laws, and city ordinances, that allow buildings under a certain square footage to not require a building permit, including accessory

dwelling units, permanent or mobile. If we could allow under 500 square foot structures, for a farm owner's personal/family member dwelling or for farmworker housing to be allowed, with minimal registration costs, this would assist hundreds of island farms in providing affordable, small footprint, housing directly tied to increasing farm production.



Home IS where the Farm is!

Our organization, One Island, is actively convening Tiny House Community Conversations around the Big Island, and is hosting working group planning meetings to gather public input to help define the parameters of approvable small-footprint housing. We are engaging the public in this very important conversation and ask our State Representatives and Senators to join us solving one facet of our food security crisis – more housing = more farmers = more food independence!

Think Big! Support Tiny Homes.

Marcy Montgomery

One Island Sustainable Living

PO Box 1438

Kapa'au HI 96755

greenschool@oneisland.org

808-328-2452

HB 2 – Think BIG – Support Tiny Homes!



Aloha and thank you for hearing the Tiny House Farm Housing Bill comments.

This is Stephen Shrader, writing in support for the 2017 HB 2 promoting On Farm Tiny Houses. The climate and lifestyle of Hawaii encourages an indoor/outdoor lifestyle. It is also one of the best settings in the world to implement green building and energy efficient practices. Many farmers are wanting to down size the scale of their indoor living spaces, lower their cost for housing, be on farm to monitor their crops, lower farmworker rental housing and transportation/commute costs, spend more time farming, and lower the environmental impact of their housing.

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Think Big! Support Tiny Homes.

Stephen Shrader

One Island Sustainable Living

PO Box 1438

Kapa'au HI 96755

oneislandganesh@gmail.com

808-328-2452

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 1:30 PM
To: JUDtestimony
Cc: alohajuggler@gmail.com
Subject: Submitted testimony for HB2 on Feb 23, 2017 14:00PM

HB2

Submitted on: 2/22/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Graham Ellis	Hawaii Sustainable Community Alliance	Support	No

Comments: Our state wide organization with over 600 members supports this Bill that will enable many people to be housed in a more sustainable manner.

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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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2017 2:37 PM
To: JUDtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB2 on Feb 23, 2017 14:00PM*

HB2

Submitted on: 2/21/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 7:28 AM
To: JUDtestimony
Cc: trees5180@gmail.com
Subject: Submitted testimony for HB2 on Feb 23, 2017 14:00PM

HB2

Submitted on: 2/22/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
dee hei	Individual	Support	No

Comments: This movement is important to our farming community for it will bring interest, young & old alike to share in the most simple form of life. Without farming, we can not grow. Kam Schools need to be a BIG FAIR FRIENDLY COOPERATIVE part of this movement and not harrass and overtax our most simple form of living. humble. Please pass this bill and incorporate and tame kam schools.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 9:00 AM
To: JUDtestimony
Cc: ljb3@ljb3.com
Subject: Submitted testimony for HB2 on Feb 23, 2017 14:00PM

HB2

Submitted on: 2/22/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
LJ Bates III	Individual	Support	No

Comments: Allowing tiny houses on farm land will not only enhance food sustainability, but also provide affordable housing options. Our homeless numbers have risen to embarrassing levels across the state and any option to impact that population is desired. Please support the passage of this bill. Mahalo! LJ Bates III

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 8:34 AM
To: JUDtestimony
Cc: paulwnormann@gmail.com
Subject: Submitted testimony for HB2 on Feb 23, 2017 14:00PM

HB2

Submitted on: 2/22/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Normann	Individual	Support	No

Comments: Single most significant way to end is homelessness is to house people. This bill supports a reasonable way to build small affordable housing for farm workers in agricultural districts. Farming is important work and we need to support our hard working families ensure that they and their workers are able to be housed.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 1:13 PM
To: JUDtestimony
Cc: landry@fullerliving.net
Subject: Submitted testimony for HB2 on Feb 23, 2017 14:00PM

HB2

Submitted on: 2/22/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Landry Fuller	Individual	Support	No

Comments: I fully support HB 2 to authorize tiny homes of less than 500 square feet for farm workers in agricultural districts in a county with a population of more than 180,000 but less than 250,000, notwithstanding any county ordinance or regulation to the contrary. (HB2 HD1)

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 23, 2017 8:03 AM
To: JUDtestimony
Cc: peter_buchholz@att.net
Subject: Submitted testimony for HB2 on Feb 23, 2017 14:00PM



HB2

Submitted on: 2/23/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Buchholz	Individual	Support	No

Comments: Aloha, I am in support of HB2 to create affordable Tiny House type structures for farmers, their families and employees. By doing so we as a whole the residents of Hawaii will benefit in our efforts to become a more self sufficient and sustainable society. Mahalo, Peter

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 9:53 PM
To: JUDtestimony
Cc: jimbraun455@mac.com
Subject: Submitted testimony for HB2 on Feb 23, 2017 14:00PM



HB2

Submitted on: 2/22/2017

Testimony for JUD on Feb 23, 2017 14:00PM in Conference Room 325

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

Comments: My wife and I are retired and want to live on our sixteen acres as long as possible. We would hope to even die here. At some point we may not be able to take care of this beautiful land without help. Allowing a tiny home would enable not only us to stay here but also provide a home for a person or persons. Thank you for your consideration. James H. Braun

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