DAVID Y. IGE Governor

SHAN S. TSUTSUI Lt. Governor



SCOTT E. ENRIGHT Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

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 SENATE COMMITTEES ON PUBLIC SAFETY,
INTERGOVERNMENTAL, & MILITARY AFFAIRS, & AGRICULTURE &
ENVIRONMENT

MARCH 17, 2017 1:30 P.M. CONFERENCE ROOM 224

HOUSE BILL NO. 2 HD2 RELATING TO AGRICULTURE

Chairpersons Nishihara and Gabbard and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 2 HD2 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, and requires "tiny homes" comply with county ordinances and regulations. 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. Chapter 205 is replete with piecemeal amendments that attempt to address a problem by imposing a solution upon the counties. The 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.



Harry Kim Mayor County of Hawai'i
PLANNING DEPARTMENT

Michael Yee Director

Daryn Arai Deputy Director

East Hawai'i Office 101 Pauahi Street, Suite 3 Hilo, Hawai'i 96720 Phone (808) 961-8288 Fax (808) 961-8742

West Hawai'i Office 74-5044 Ane Keohokalole Hwy Kailua-Kona, Hawai'i 96740 Phone (808) 323-4770 Fax (808) 327-3563

March 16, 2017

The Honorable Senator Clarence K. Nishihara, Chair and Members of the Committee on Public Safety, Intergovernmental and Military Affairs

The Honorable Senator Mike Gabbard, Chair and Members of the Committee on Agriculture and Environment Hawai'i State Capitol 415 South Beretania Street Honolulu, HI 96813

Dear Chair Nishihara, Chair Gabbard and Committee Members:

SUBJECT: HB 2 HD2, Relating to Agriculture

Testimony in Opposition

Submitted by: Planning Director, Michael Yee Hearing: Friday, March 17, 2017, 1:30PM

We appreciate the intent of this bill to authorize the construction and use of "tiny homes" as affordable housing for farm workers to encourage healthy and productive farming. Unfortunately, we see great potential that this provision, should it be adopted, will lead toward unintended abuse of the very agricultural lands we are entrusted to protect by the State Land Use Law and our local zoning code.

As currently written, this bill will allow "farm workers or their immediate family members" to occupy agricultural land provided that the "farmer" has a business license and is engaged in agriculture.

Anyone can easily obtain a business license and there is no level of specified engagement in agriculture within the bill that would justify a "tiny home". A person could just obtain a business license, plant and maintain a single tree, and generate no income whatsoever, and would thereby qualify for a tiny home on agricultural land. Secondly, a maximum number of tiny homes to be permitted on any given agricultural lot is not specified. This could potentially turn our precious agricultural lands into affordable housing communities with no clear expectation of any increase in agricultural productivity.

The Honorable Senator Clarence K. Nishihara, Honorable Senator Mike Gabbard and Committee Members

Page 2

March 16, 2017

We ask your respective committees to carefully weigh the potential deleterious effect this bill, if adopted, would have upon our ability to protect our agricultural lands.

Thank you for your careful consideration.

Sincerely,

MICHAEL YEE Planning Director

Sent: Wednesday, March 15, 2017 8:24 PM

To: PSMTestimony

Cc: marcy@full-circle.org

Subject: Submitted testimony for HB2 on Mar 17, 2017 13:30PM

HB2

Submitted on: 3/15/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

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

Comments: (correcting as SUPPORT) 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 over sight. Additionally, allowing tiny homes on agland 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. From the Hawaii Island Food Alliance.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

Sent: Wednesday, March 15, 2017 10:16 PM

To: PSMTestimony

Cc: Kaui.Trainer@gmail.com

Subject: Submitted testimony for HB2 on Mar 17, 2017 13:30PM

HB2

Submitted on: 3/15/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kaui Trainer	Momilani Farm	Support	No

Comments: I am a farmer on the Big Island. I started farming our 20 acres in Hilo three years ago and it has been an adventure but also very difficult. I love the connection that we have with our land; planting fruit trees, hardwood trees, vegetables and herbs as well as raising goats, chickens and ducks has been such a rewarding experience. We also lease about 4 acres to sweet potato farmers who leave their equipment on our land because they have no where else to store it without it being stolen! Stealing from farmers is something that I have discovered as a farmer; and it is a shame! Because farmers work so hard to grow food and yet so many thefts have happened in our farming community. Our hardworking farm friends rent homes way out in Keaau because the housing in Hilo is too expensive! It would be much cheaper and safer to build tiny homes on our land to house these farmers so that they can be on the land as well as provide more supervision to prevent theft! Tiny homes are much easier and more affordable to build. They are completely off the grid. They use compostible toilets. There are some that are on wheels and are easily moved. They are easy to maintain and can offer a safe and weather tight shelter for people who spend most of their daylight hours in the outdoors anyway! Having a small place that is easy to maintain after a long day working in the field is a relief! I would like to build more tiny homes that will be used strictly to house more farmers! There are many people who want to farm but do not have access to farm land. I know many farm land owners who need more farmers on their land, either because they are too old to farm or because they have more land than they can handle! HB 2 is a win-win for farmers and for land owners. If Hawaii truly wants to attain food sovereignty we need to make it easier, not harder to farm. We need to make it easier, not harder for people to live off the land. It just makes sense. Please pass House Bill 2 and support farmers.

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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 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.

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 feet 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.

Stephen Shrader
One Island Sustainable Living
PO Box 1438
Kapa'au HI 96755
oneislandganesh@gmail.com
808-328-2452

Sent: Wednesday, March 15, 2017 10:02 PM

To: PSMTestimony Cc: koanet7@gmail.com

Subject: *Submitted testimony for HB2 on Mar 17, 2017 13:30PM*

HB2

Submitted on: 3/15/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

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

Comments:

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

Sent: Wednesday, March 15, 2017 8:07 PM

To: PSMTestimony

Cc: staceyhimmel@gmail.com

Subject: *Submitted testimony for HB2 on Mar 17, 2017 13:30PM*

HB2

Submitted on: 3/15/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Himmel	Individual	Support	No

Comments:

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

Sent: Wednesday, March 15, 2017 8:05 PM

To: PSMTestimony

Cc: begoniabarry@gmail.com

Subject: *Submitted testimony for HB2 on Mar 17, 2017 13:30PM*

HB2

Submitted on: 3/15/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Support	No

Comments:

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 9:26 PM

To: PSMTestimony

Cc: jimbraun455@mac.com

Subject: Submitted testimony for HB2 on Mar 17, 2017 13:30PM

HB2

Submitted on: 3/14/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

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

Comments: We support the passage of this bill in the hopes that it will enable us to stay on our farm for the rest of our lives. Our average age is 70 and we are not sure how long we can manage our farm by ourselves. By allowing an additional small home on our property we then can hire someone more easily who not only can help us with the farm but be close by 24/7 if we need emergency assistance. Thank you, Jim and Joyce Braun, Laupahoehoe.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 9:12 PM

To: PSMTestimony

Cc: barb@keolamagazine.com

Subject: Submitted testimony for HB2 on Mar 17, 2017 13:30PM

HB2

Submitted on: 3/14/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara G Garcia	Individual	Support	No

Comments: I support legalizing Tiny Homes on Hawaii Island in all forms and for all locations.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 8:32 PM

To: PSMTestimony

Cc: dmitts@kohalacenter.org

Subject: Submitted testimony for HB2 on Mar 17, 2017 13:30PM

HB2

Submitted on: 3/14/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Mitts	Individual	Support	No

Comments: Please support tiny homes on ag land.

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 8:03 PM

To: PSMTestimony

Cc: paulaschiebschick@gmail.com

Subject: *Submitted testimony for HB2 on Mar 17, 2017 13:30PM*

HB2

Submitted on: 3/14/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Paula	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 7:54 PM

To: PSMTestimony

Cc: morrigan@hawaii.edu

Subject: Submitted testimony for HB2 on Mar 17, 2017 13:30PM

HB2

Submitted on: 3/14/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Betsy Morrigan	Individual	Support	No

Comments: I support this bill. More housing is needed in ag. districts on the island of Hawaii. Tiny houses are environmentally sound and offer an excellent alternative for low cost, small footprint housing.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 7:27 PM

To: PSMTestimony

Cc: catrinkah@gmail.com

Subject: Submitted testimony for HB2 on Mar 17, 2017 13:30PM

HB2

Submitted on: 3/14/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Catherine Holland	Individual	Support	No

Comments: Please support our farmers through this bill that allows affordable housing for farmers and their employees. We support our islands becoming as sustainable as possible. Mahalo.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 5:04 PM

To: PSMTestimony

Cc: mindyolvera@gmail.com

Subject: *Submitted testimony for HB2 on Mar 17, 2017 13:30PM*

HB2

Submitted on: 3/13/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Melinda Buck	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 4:05 PM

To: PSMTestimony

Cc: launahele@yahoo.com

Subject: *Submitted testimony for HB2 on Mar 17, 2017 13:30PM*

HB2

Submitted on: 3/13/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Benton	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 2:14 PM

To: PSMTestimony

Cc: paulwnormann@gmail.com

Subject: Submitted testimony for HB2 on Mar 17, 2017 13:30PM

HB2

Submitted on: 3/13/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

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

Comments: I strongly support HB2. With homelessness on the rise and a dearth of affordable housing, especially for the working poor, we need to come up with solutions to safely and affordably house individuals. This bill offers a good solution.

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I am a farmer on the Big Island. I started farming our 20 acres in Hilo three years ago and it has been an adventure but also very difficult. I love the connection that we have with our land; planting fruit trees, hardwood trees, vegetables and herbs as well as raising goats, chickens and ducks has been such a rewarding experience. We also lease about 4 acres to sweet potato farmers who leave their equipment on our land because they have no where else to store it without it being stolen! Stealing from farmers is something that I have discovered as a farmer; and it is a shame! Because farmers work so hard to grow food and yet so many thefts have happened in our farming community. Our hardworking farm friends rent homes way out in Keaau because the housing in Hilo is too expensive! It would be much cheaper and safer to build tiny homes on our land to house these farmers so that they can be on the land as well as provide more supervision to prevent theft! Tiny homes are much easier and more affordable to build. They are completely off the grid. They use compostible toilets. There are some that are on wheels and are easily moved. They are easy to maintain and can offer a safe and weather tight shelter for people who spend most of their daylight hours in the outdoors anyway! Having a small place that is easy to maintain after a long day working in the field is a relief! I would like to build more tiny homes that will be used strictly to house more farmers! There are many people who want to farm but do not have access to farm land. I know many farm land owners who need more farmers on their land, either because they are too old to farm or because they have more land than they can handle! HB 2 is a win-win for farmers and for land owners. If Hawaii truly wants to attain food sovereignty we need to make it easier, not harder to farm. We need to make it easier, not harder for people to live off the land. It just makes sense. Please pass House Bill 2 and support farmers.





OFFICE OF PLANNING STATE OF HAWAII

LEO R. ASUNCION DIRECTOR OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813 Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846 Fax: (808) 587-2824 Web: http://planning.hawaii.gov/



Statement of **LEO R. ASUNCION**

Director, Office of Planning before the

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Friday, March 17, 2017 1:30 PM State Capitol, Conference Room 224

in consideration of HB 2, HD2
RELATING TO AGRICULTURE.

Chairs Nishihara and Gabbard, Vice Chairs Wakai and Riviere, and Members of the Senate Committees on Public Safety, Intergovernmental, and Military Affairs, and Agriculture and Environment.

The Office of Planning (OP) opposes HB 2, HD2 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, HD2 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, HD2, 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, HD2 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.



From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 16, 2017 10:44 PM

To: PSMTestimony

Cc: sylviadolena@yahoo.com

Subject: Submitted testimony for HB2 on Mar 17, 2017 13:30PM

HB2

Submitted on: 3/16/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing	
Sylvia Dolena	Pele Lani Farm LLC	Support	No	

Comments: As a farmer, we NEED flexible housing and building alternatives. PLEASE.

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HB2-Farm Dwellings 3-17-17

YES

Aloha Committee Members,



Thank you for the opportunity to present testimony on House Bill 2 regarding farm dwellings. I am in full favor of the bill as it creates multiple opportunities for underprivileged populations on the island. It also supports the needs of local farmers with short and long term solutions to housing. Whilst there is legislation in place at the county level that legislation does not address the long term needs of the farmers as far as legal permitting.

In addition to House Bill 2 also addresses short term needs of local farmers by allowing structures to be placed at times of high need. If we want to increase the local production of food on the island, make it affordable, and provide realistic housing for lower income workers please vote in favor of HB2.

Here at YCA we are planning to build our first TINY HOUSE and place it a location that serves one of our graduates. With a high percentage of our youth leaving our 6 month residential program without housing, and regularly working in the farming industry, these tiny homes will give a fresh start to many of them.

HB2 serves not only the local economy but also underprivileged populations in need.

Thank you for your consideration please vote yes on HB2

Josh Anthony

Lead Instructor Youth Challenge Academy Hilo

Joshua.k.anthony@hawaii.gov



From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 16, 2017 9:44 PM

To: PSMTestimony

Cc: begoniabarry@gmail.com

Subject: *Submitted testimony for HB2 on Mar 17, 2017 13:30PM*

HB2

Submitted on: 3/16/2017

Testimony for PSM/AEN on Mar 17, 2017 13:30PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Support	No

Comments:

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