

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
HOUSING**

**Tuesday, February 7, 2017
9:00 A.M.
State Capitol, Conference Room 423**

**In consideration of
HOUSE BILL 968
RELATING TO AFFORDABLE TEMPORARY HOUSING**

House Bill 968 proposes to allow property owners the ability to lease yard space or driveway space for campers and recreational camping vehicles. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department serves as the state coordinating agency for the National Flood Insurance Program (NFIP) and acts as a liaison between Federal Emergency Management Agency and the four counties to ensure proper administration and enforcement of floodplain management regulations.

The State of Hawaii, City and County of Honolulu, Maui County, Kauai County, and Hawaii County are participating communities in the NFIP. As a participating community, flood insurance is made available in exchange for proper administration and enforcement of floodplain management regulations that meet or exceed Title 44 of the Code of Federal Regulations §60.3.

Temporary structures including recreational vehicles located in flood prone or special flood hazard areas are subject to county floodplain development rules and regulations.

Thank you for the opportunity to testify on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFERY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

February 7, 2017

TO: The Honorable Representative Tom Brower, Chair
House Committee on Housing

FROM: Scott Morishige, MSW, Governor's Coordinator on Homelessness

SUBJECT: **HB968 – RELATING TO AFFORDABLE TEMPORARY HOUSING**
HB1373 – RELATING TO ALTERNATIVE HOUSING

Hearing: Tuesday, February 7, 2017, 9:00 a.m.
Conference Room 423, State Capitol

POSITION: The Governor's Coordinator on Homelessness appreciates the intent of these bills, as they address concerns related to limited housing inventory for people experiencing homelessness. However, the Coordinator respectfully opposes the measures, and expresses concern that the bills may result in the formal establishment of homeless encampments. In 2012, the Hawaii Interagency Council on Homelessness (HICH) was requested by the Legislature to study the issue of "designating safe facilities located at areas, showers, toilets, laundry facilities, and locker rooms in various locations throughout the State for homeless persons for overnight stays." In its report to the Legislature, the HICH concluded that "[c]reating camping areas for homeless individuals in our parks and in our public buildings . . . is unworkable, is not advisable, and should not be pursued." (See Report to the Twenty-Seventh Hawaii State Legislature 2013, in accordance with the provisions of Act 105, Session Laws of Hawaii 2012, Appendix 2, at page 10; link to the report: <http://humanservices.hawaii.gov/wp-content/uploads/2013/01/2012-Act-105-SLH-2012-HICH-Progress-Report.pdf>). The better long term strategy is to link people to housing.

PURPOSE: The purpose of each bills is:

- **HB968** – To allow property owners the ability to lease yard space or driveway space for campers and recreational camping vehicles, and

- **HB1373** - To authorize counties to provide exemptions for alternative dwellings and alternative dwelling parks. The definition of alternative dwelling includes tents, yurts, and lean-to shelters.

The State adopted a comprehensive framework to address homelessness, which includes a focus on three primary leverage points – affordable housing, health and human services, and public safety. While all three of these leverage points must be addressed to continue forward momentum in addressing the complex issue of homelessness, the overall strategy emphasizes permanent housing as the solution to homelessness.

The establishment of formal homeless encampments is inconsistent with the State’s overall strategy to address this complex issue. Both the HICH and the United States Interagency Council on Homelessness (USICH) have recommended against formal establishment of homeless encampments. According to the USICH, “strategies that focus on making encampments an official part of the system for responding to homelessness can serve to distract communities from focusing on what is most important – connecting people experiencing homelessness to safe, stable, permanent housing.” (USICH, *Ending Homelessness for People Living in Encampments*, August 2015).

While neither measure has an appropriation attached, the State is already experiencing significant fiscal impact related to law enforcement, waste management, property removal and storage, and delivery of social services to a transitory population.

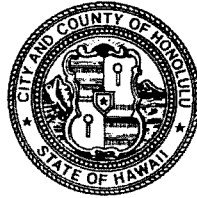
The alternative to the establishment of alternative dwelling parks and tent encampments is to move people to housing, the Executive Budget request includes over \$180 million for the development of affordable housing and for public housing renovations. The Executive Budget specifically addresses housing production and assistance with high housing costs, as well as increasing resources for homeless outreach, mental health and substance use treatment.

Thank you for the opportunity to testify on these bills.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
ACTING DEPUTY DIRECTOR

February 7, 2017

The Honorable Tom Brower, Chair
and Members of the Committee on Housing
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Brower and Committee Members:

Subject: House Bill No. 968
Relating to Affordable Temporary Housing

The Department of Planning and Permitting (DPP) **opposes** House Bill No. 968, which would allow property owners to lease yard space or driveway space for temporary residential purposes.

We agree that there is a severe shortage of affordable rental units on this island, but we cannot agree that creating exemptions to county zoning ordinances is the answer. This measure would allow property owners to erect a temporary structure on a yard, but the Bill is silent on the types of structures that will be allowed, how long these structures will be allowed to be used, or whether they will be required to obtain building permits. Will these units have to be hooked up to sewers? Will they require electrical permits? This Bill does not specify that these temporary units will be limited to residential-zoned lots. As written, any owner of any lot would be authorized to lease space for residential use and would be exempt from county ordinances.

The DPP also is concerned that these units may be used as transient vacation rentals, rather than to house the homeless, because the Bill does not define "temporary residential purposes." We are struggling to keep up with the number of illegal vacation rentals on Oahu, and we fear that allowing property owners to set up temporary rental units with no ability for the counties to regulate them under the zoning and building codes will make it impossible to enforce.

The City and County of Honolulu is addressing the affordable rental shortage, and one of our efforts is the Accessory Dwelling Unit (ADU) program. The ADU program allows homeowners who meet certain requirements to build a smaller rental unit on their property. For health and safety reasons, these units must meet infrastructure requirements, such as sewer capacity, as well as obtain a building permit. Since the program began in September

The Honorable Tom Brower, Chair
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2015, we have approved 130 ADU building permits and have another 120 applications under review.

In addition to enforcement issues, to allow unregulated temporary structures and camping vehicles to proliferate in residential areas could lead to tension among neighbors, create a visual blight in communities, and lead to overcrowded and unsanitary conditions.

For the reasons stated above, we ask that House Bill No. 968 be held in committee.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy Sokugawa", written in a cursive style.

Kathy Sokugawa
Acting Director



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Mike Goodman, Director
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Website:
www.HawaiiKaiHomelessTaskForce.org

Yardmates Bill: —No Cost to the State.

HB968 Introduced by Rep. Gene Ward, Tom Brower, Bob McDermott, Angus McKelvey, Marcus Oshiro, Calvin Say.

Homeowners could rent yards as campsites or driveways for camping vehicles. Renters would enjoy the same household amenities as conventional roommates. **Does not override private agreements including condominium covenants, leases,** nor does it override zoning or health and safety laws.

<u>Bill #</u>	<u>Committee/s</u>	<u>Hearing Dates & Times</u>	<u>Location</u>
<u>HB968</u>	<u>HSG</u>	<u>2/7/2017 9 AM</u>	<u>Room 423</u>

INTRODUCTION

I'm Mike Goodman, Director of the Hawaii Kai Homeless Task Force. I want to thank the Chair, Vice-Chair, and all members of this committee for the opportunity to testify in support of HB968, which is also referred to as the "Yardmates" Act.

The Hawaii Kai Homeless Task Force is a group of citizens dedicated to researching and implementing practical solutions to turn the homeless crisis into a manageable problem, with the money the State has now..

This act is part of a comprehensive six-step legislative strategy we helped develop, with five goals in mind:

First: To ensure that every homeless person has somewhere to go where they can be reasonably comfortable.

Second: To make existing social service programs more effective.

Third: To protect the quality of life for residents and tourists.

Fourth: To find solutions that can be implemented quickly.

Fifth: To do all of that with money the State already has, instead of what we might have in the future.

ANALYSIS

As some of you have heard me say before, in Hawaii, traditional housing, costs about \$400,000 per unit and takes about eight years to build from inception. That's a big reason why the supply of government subsidized housing always falls short of demand.

Also, since the State is drowning in billions of unfunded pension liabilities, the supply of State subsidized housing will probably continue to be insufficient for some-time to come.

That's why we must do everything we can to enable people to help themselves through the private market, **and do that in ways which do not require any government subsidies.**

We can safely assume that most people who rent out rooms to roommates are people who need the money. We can also safely assume that anyone renting a room in someone's house does not have the money to rent their own apartment or a house.

The concept of "Yardmates" is very simple: All this Act does, is allow people to rent out yard space to campers and driveway space to recreational camping vehicles, **IN THE SAME MANNER THEY ALREADY RENT ROOMS TO TRADITIONAL ROOMMATES.**

It's important to note that this bill would not override covenants, easements, or private leasing agreements. That means condominiums or homeowners' associations can still have rules prohibiting people from renting out their yards and driveways. The bill also does not supersede any other private agreements. that means owners of rental property will not be forced to allow tenants to sublease yard or driveway space. The bill also prohibits renting yard or driveway space if doing so would adversely affect health and safety, or violate any existing laws.

What this bill would do, is provide another way for financially unstable people, some who are homeless or at risk of becoming homeless, with a way to help themselves AT NO COST TO THE STATE.

I WANT TO TAKE A MOMENT TO ADDRESS SOME OBJECTIONS I'VE HEARD TO THIS BILL:

(1) Some have said the bill could increase the problem of illegal vacation rentals. The answer to that is that it wouldn't, because any tourist in their right-mind who visits Hawaii with the intention of camping, is not going to rent space in somebody's yard; They're going to camp in Hawaii's beautiful State Parks which are adjacent to world class beaches and stunning natural vistas.

(2) Others have expressed concern that it could bring the chaos of chronic homelessness into their neighborhoods. The answer is that "Yardmates" are no different from traditional roommates. People who rent parts of their homes to roommates or "Yardmates" aren't going to bring unrepentant drug addicts, petty criminals, or severely mentally ill people into their homes as tenants.

(3) Some constituents have expressed concerns that "Yardmates" could reduce the aesthetic appearance of neighborhoods and reduce property values. The answer is that there is nothing in the Yardmates Act which allows the creation of a public nuisance. The same legal protections people already have against recalcitrant neighbors who do not properly maintain their properties, would still exist under Yardmates. *(With respect to the nuisances Kawamoto created in Kahala, where neighbors had problems for about a decade addressing nuisances created, that pertains to whether or not our nuisance laws are robust enough. That is a separate legislative issue from the Yardmates Act.)* And as previously mentioned, the bill does not supersede private homeowners' association covenants, leases, etc.

CONCLUSION

I respectfully request you all support and enact HB968 to enable people to help themselves by simply *"taking in roommates that don't live in rooms"*. **It's a simple idea that can dramatically increase the stock of affordable dwellings literally overnight, at zero cost to the State.**

I also encourage all of you to spend just 10 minutes of your time visiting our website at www.hawaiihomelesstaskforce.org , to see how this bill fits into our overall plan to QUICKLY turn the homeless crisis into a manageable problem with money the State has today.

Finally I want to also express our support for HB1179 which expands the types of rental projects that can be exempt from the GET tax;---- HB1557, which will enable certain tenants of housing projects to purchase their units; ----HB488 which will increase the supply of affordable housing;---- HB229 which prohibits State and counties from imposing building codes with minimum size requirements (something which has direct bearing on alternative housing); ----- HB413 which requires the Hawaii Housing finance and development corporation to locate available state property for affordable housing. (for which I would suggest piggy-backing buildings on public schools. This was done in NYC. Entrances are on separate sides of the building. The developer devotes the first three or floors to the school {which by the way would have air conditioning!!}) ----- HB869 which also helps increase the amount of affordable housing,-----and HB1549, which prohibits inclusionary zoning for low-income housing. These are all important bills because they will help people in the best way possible; which is by enabling them to help themselves.



Mahalo Nui Loa for the opportunity to testify.

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February 2, 2017

TO: Honorable Chair Brower, Committee on Housing
and Members of House Committee on Housing

RE: HB 968 Relating to Affordable Temporary Housing
Support for consideration at hearing on February 7, 2017

I am a private citizen with a strong interest in constructive, effective, and humane solutions to Hawaii's challenges in addressing homelessness. Thus, I am submitting testimony to both the House and the Senate in support of bills relating to housing that include funding and that provide services for homeless youth in particular.

However, **I oppose HB 968** to allow property owners the ability to lease yard space or driveway space for campers and recreational camping vehicles. The potential for nuisance and abuse from such practices is enormous.

Hawai'i must commit to meaningful measures that increase availability of affordable housing options, whether "temporary" or intended to be permanent. This bill not only reinforces a lack of commitment, but instead promotes personal profit from the plight of those who are homeless. It threatens the integrity of residential neighborhoods in a state where even single family homes are squeezed side-by-side and driveways already crowded with multiple vehicles (with carports and garages often used as storage). Walking in residential areas of O'ahu already requires negotiation around trucks and cars parked across the sidewalk. The practice would increase health and safety risks for families and especially for children, particularly where campers and recreational camping vehicles lack toilet facilities.

This is an example of a bill that has been hastily constructed as a "quick fix" to endemic and serious challenges. If it were to become law, it is likely to result in more problems than solutions. If property owners wish to demonstrate a commitment to addressing homelessness, this should be done in ways that do not require neighbors, neighborhoods, and communities to absorb individuals and others under substandard conditions. We are better than this.

I strongly urge the Housing Committee to reject this bill. Thank you for your consideration.

Sincerely,

Luanna H. Meyer, Ph.D.
Professor Emerita, Education

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 10:08 AM
To: HSGtestimony
Cc: erikdblair@gmail.com
Subject: Submitted testimony for HB968 on Feb 7, 2017 09:00AM

HB968

Submitted on: 2/3/2017

Testimony for HSG on Feb 7, 2017 09:00AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Erik Blair	Individual	Support	No

Comments: The affordable housing crisis in Hawaii, as you know, is crippling the local economy and the traditional solutions aren't working. Alternative housing is required to overcome the traditional housing market that tends to increase annually at a rate of 6% on average. Wages DO NOT keep up with housing or the cost of living increases every year. Meanwhile, economists say that interest rates are going up in 2017-18, and they expect inflation to set in very soon. This means the cost of living is going way up! Housing costs to renters will suffer. Therefore, it is critical for Hawaii to embrace and fast track alternative housing on all fronts. We must make it easier, cheaper and faster to get tiny houses, container homes, recreation vehicles, and mobile homes going to offset the debilitating effects of the horrible disparity in income of Hawaii residents and the cost of living--especially housing. These bills are an important step toward a solution for everyone. These bills also have the potential to improve the local economy by injecting more cash into the economy because residents can save money monthly by alternative housing solutions. Please support these bills: HB968, HB229, and HB1373. Thank you! -- Erik Blair

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 12:11 PM
To: HSGtestimony
Cc: juliedagenais@gmail.com
Subject: Submitted testimony for HB968 on Feb 7, 2017 09:00AM

HB968

Submitted on: 2/5/2017

Testimony for HSG on Feb 7, 2017 09:00AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
julie dagenais	Individual	Support	No

Comments: I am in strong support of bill HB968, which allows property owners the ability to lease yard space or driveway space for campers and recreational camping vehicles. The implementation of temporary housing is critical to alleviate affordable housing shortages which are affecting a growing number of people in Hawaii. The situation is dire and I fully support the Legislature in passing this bill. Aloha

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