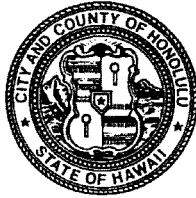


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
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KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

March 1, 2018

The Honorable Brian T. Taniguchi, Chair
and Members of the Committee on Judiciary
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Committee Members:

Subject: Senate Bill No. 2092
Relating to Offenses Against Public Administration

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 2092, which adds knowingly making a false statement to a county inspector a crime within the offense of unsworn falsification to authorities.

We appreciate any new tools that will bolster our enforcement programs. Our inspectors do experience situations where people are not forthright with information. Proving false or misleading information has been given is difficult, but perhaps the threat of criminal prosecution may be enough of an incentive to persuade clients, tenants, landowners and others to be more truthful.

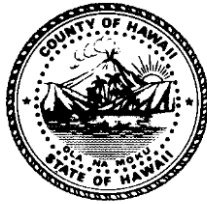
Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink that reads "Kathy Sokugawa". The signature is fluid and cursive, written in a professional style.

Kathy K. Sokugawa
Acting Director

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i
PLANNING DEPARTMENT

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

February 28, 2018

Testimony by
MICHAEL YEE
Director, County of Hawai'i Planning Department
before the
COMMITTEE ON JUDICIARY
Thursday, March 1, 2018, 10:00 AM
State Capitol, Conference Room 016
in consideration of
SB 2092
Relating to Offenses Against Public Administration

The County of Hawai'i Planning Department would like to express its SUPPORT of S.B. 2092, which will assist our enforcement efforts by making a false statement to a county inspector a crime.

Thank you for the opportunity to provide testimony.

Hawai'i Construction Alliance

P.O. Box 179441
Honolulu, HI 96817
(808) 348-8885

February 27, 2018

The Honorable Brian T. Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
and Members
Senate Committee on Judiciary
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: Support for SB2092, Relating to Offenses Against Public Administration

Dear Chair Taniguchi, Vice Chair Rhoads, and Members:

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of Hawai'i's construction industry.

Along with many advocates in the community, we have been deeply concerned with the proliferation of large residential structures, otherwise known as "monster homes" throughout Honolulu's urban neighborhoods. We are also concerned with their potential use as short-term rentals for non-residents.

In response to these concerns, we have begun to examine in detail many of the construction sites where these large residential structures are being built. Our initial findings have been extremely troubling, including serious safety violations, the existence of hazards to potential occupants, environmental issues, and potential violations of worker safety and contractor laws.

One of the most troubling aspects of this issue, however, is the potential for the builders and operators of these structures to make false or misleading statements to county building or tax inspectors to avoid scrutiny or penalties. SB2092 would help to address this problem by making it a misdemeanor to make false or misleading statements to a county inspector in the course of the inspector's investigation.

We believe that additional tools, such as the one proposed in SB2092, would assist the various counties in addressing the issues created by the builders and operators of "monster homes." We remain ready and available to assist the State, the various county building departments, and community groups in these areas to solve the ever-growing issue of large residential structures or "monster homes" in our residential neighborhoods.

Aloha,



Tyler Dos Santos-Tam
Executive Director
Hawai'i Construction Alliance



'ĀINA HAINA COMMUNITY ASSOCIATION

c/o 'Āina Haina Library, 5246 Kalaniana'ole Highway, Honolulu, HI 96821
ainahainaassoc@gmail.com; www.ainahaina.org

Jeanne Ohta, President • Melia Lane-Kanahele, Vice-President • Art Mori, Treasurer • Kathy Takemoto, Secretary • Directors At Large: Jeff Carlson, Wayson Chow, Patricia Moore, Marie Riley

March 1, 2018

To: Senator Brian Taniguchi, Chair
Senator Karl Rhoads, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, President

RE: SB 2092 Relating to Offenses Against Public Administration
Hearing: Thursday, March 1, 2018, 10:00 a.m., Room 016

POSITION: SUPPORT

The Board of Directors of the 'Āina Haina Community Association write in support of SB 2092 Relating to Offenses Against Public Administration, which proposes making a false statement to a county inspector a crime within the offense of unsworn falsification to authorities.

This measure is necessary because of the difficulty inspectors from the City and County of Honolulu are having enforcing zoning laws. Operators of illegal businesses know that they can make false statements to make their businesses seem to comply with the law and not face any penalties.

Although more needs to be done to enforce current zoning laws, this measure is a start to providing the Counties with tools that would lead to closing illegal businesses in or neighborhoods.

We ask that the committee pass this bill and thank the committee for the opportunity to provide testimony in support.

SB-2092

Submitted on: 2/27/2018 1:36:15 PM

Testimony for JDC on 3/1/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Planning	Testifying for County of Maui-Dept. of Planning	Comments	No

Comments:

February 27, 2018

The Honorable Brian T. Taniguchi, Chair
and Members of the Senate Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Committee Members:

SUBJECT: SENATE BILL 2092, RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION

The Department of Planning supports the intent of Senate Bill 2092, which would establish that knowingly making a false or misleading statement to a zoning inspector is a felony.

False and misleading statements impede our inspectors' ability to enforce land use laws for the community's benefit. Providing an express requirement for truthfulness during the course of investigations, with the possibility of criminal penalties for lying, may improve our enforcement capabilities.

We will watch this bill as it proceeds through the legislative process and will provide additional comments if needed as amendments are proposed. Thank you.

Sincerely,
WILLIAM R. SPENCE
Planning Director, County of Maui

SB-2092

Submitted on: 2/27/2018 3:32:43 PM

Testimony for JDC on 3/1/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

I support SB 2092. I have proudly lived in Palolo Valley for the past 28 years. I have witnessed the proliferation of large residential homes on 6th street, 9th street and 10th street. This has frustrated my friends and neighbors who are faced with the limited number of on-street parking, challenged with limited water and sewer capacity, experience storm drainage problems, and encounter unsightly views of the overall size of these structures with multiple floors and rooms. We have witnessed, first-hand, that the dwellings are modified beyond the scope of the building permit or the purpose of the modifications, and oftentimes, post inspections confirm our concerns.

This Bill would provide the City's Department of Planning and Permitting the resources necessary to preserve the character and quality of our neighborhoods across the island. Please pass SB2092.

Sincerely,

Benton Kealii Pang, Ph.D.

SB-2092

Submitted on: 2/27/2018 1:06:30 PM

Testimony for JDC on 3/1/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Support	No

Comments:

I think that an investigator for the State shouldn't intentionally falsify information, as well as anyone making a testimony to anyone, especially someone in authority.

SB-2092

Submitted on: 2/27/2018 4:43:06 PM

Testimony for JDC on 3/1/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Legrande	Individual	Support	No

Comments:

I strongly feel that if the penalties for false statements to our public administrators were increased, we would have fewer abuses. I would suggest \$50,000 for 1st offense, \$100,000 for 2nd offense, and demolition of the illegal structure for the 3rd offense. It needs to be felt financially.

Thank you, Linda Legrande

Senate Committee on Judiciary
Hearing on SB 2092 Relating to Offenses Against Public Administration
March 1, 2018

Chair Taniguchi and Vice Chair Rhoads:

I support SB 2092 Relating to Offenses Against Public Administration. This bill adds knowingly making a false statement to a county inspector a crime within the offense of unsworn falsification to authorities.

At present, there is a problem with people not following existing laws pertaining to the occupancy of dwelling units. This measure will deter those who might otherwise evade zoning, building and occupancy laws by making false statements.

This bill will help county officials to enforce our occupancy, building and zoning laws.

I respectfully ask you to pass this bill.

David Kobayashi
Private citizen

SB-2092

Submitted on: 2/27/2018 12:02:34 PM

Testimony for JDC on 3/1/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Arbeit	Individual	Support	No

Comments:

This is important to insure inspections are effective.

SB-2092

Submitted on: 2/28/2018 9:05:15 AM

Testimony for JDC on 3/1/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
sharon ouchi	Individual	Support	No

Comments:

Obviously if there is the level of upset over the Monster House issue, for example, the inspectors from Department of Planning & Permitting need more support than just more funding and manpower. Increasing the penalties for lying to an inspector is one way to increase the actual power of their inspections.

If there are no consequences or the consequences are negligible, those who would circumvent the rules will continue to do so. Most of them will not change their behavior until it hurts them in ways that matter to them and for most, that's money since public pillory doesn't phase them.

And obviously, fines should be collected in full.

SB-2092

Submitted on: 2/28/2018 9:27:14 AM

Testimony for JDC on 3/1/2018 10:00:00 AM

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

Comments:

I am in support of this important Bill. It is widely known that there are those who are not being honest to inspectors in many cases to profit from their dishonesty. Without this Bill there will be a divide between those that follow the rules and those that don't, Allowing those who don't to profit while leaving a burden with those who do.

If you take a scenario of two neighbors who are trying to make money yet one who is dishonest about the use of their property will be able to gain monetarily much more than the one who is honest. To believe that all people will be honest and will follow the rules is naive at best. This Bill actually does not hurt anyone unless they are dishonest to the inspector.

SB-2092

Submitted on: 2/28/2018 10:52:25 AM

Testimony for JDC on 3/1/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Support	No

Comments:

I strongly support SB2092 making it a misdemeanor to lie to county housing inspectors. This bill will give our inspectors an additional tool to help them crack down on illegal vacation rentals and monster homes which have disintegrated the urban fabric of our well-established neighborhoods. Monster homes, illegal vacation rentals and the resortification of our neighborhoods have ruined the quality of life for our residents. Please pass SB2092 and help our communities fight these illegal homes and their dishonest owners.