

DAVID Y. IGE  
Governor

DOUGLAS S. CHIN  
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 WATER & LAND**

**MARCH 21, 2018  
10:15 A.M.  
CONFERENCE ROOM 325**

**SENATE BILL NO. 2524 SD1  
RELATING TO COUNTY LAND USE REQUIREMENTS**

Chairperson Yamane and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2524 SD1 that:

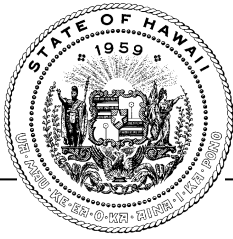
1. Requires certain leasehold agricultural subdivisions to comply with county subdivision standards (Section 205-4.5(f)).
2. Requires CPRs to conform with county zoning, subdivision and other permitting requirements, and Chapter 205; (Section 514B-5);
3. Offer the counties the option of adopting supplemental ordinances and rules governing CPRs established under Chapter 514B; and
4. Include as a requirement for registering CPRs on agricultural or preservation zoned land, a verified and signed statement by a county official that the project is in compliance with supplemental county ordinances, county subdivision standards, and other rules adopted pursuant to Section 514B-6

The Department of Agriculture supports attempts to uniformly require condominium property regimes of agricultural land to comply with county ordinances, rules, and plans. This is particularly important with respect to large acreage CPRs.



We would like to note that the Section 514B-5 (conformance with county land use laws) already requires condominium property regimes to conform to the purposes and provisions of Chapter 205 (Page 3, line 18 to page 4, line 7), and not only Section 205-4.6 (private restrictions on agricultural activity not allowed). One of most important requirements in Chapter 205 is that any structure built for habitation must be “located on and used in connection with a farm...or where agricultural activity provides income to the family from an agricultural activity” (Section 205-4.5(a)(4)). If there is no farm, no agricultural activity, or no income to the family from agricultural activity, then the structure built for habitation is not a “farm dwelling” and if built, would be in violation of Chapter 205, specifically Section 205-4.5(a)(4).

Thank you for the opportunity to comment on this measure.



# OFFICE OF PLANNING STATE OF HAWAII

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DAVID Y. IGE  
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LEO R. ASUNCION  
DIRECTOR  
OFFICE OF PLANNING

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Statement of  
**LEO R. ASUNCION**  
Director, Office of Planning  
before the  
**HOUSE COMMITTEE ON WATER AND LAND**  
Wednesday, March 21, 2018  
10:15 AM  
State Capitol, Conference Room 325

in consideration of  
**SB 2524, SD 1**  
**RELATING TO COUNTY LAND USE REQUIREMENTS.**

Chair Yamane, Vice Chair Todd, and Members of the House Committee on Water and Land.

The Office of Planning (OP) supports the intent of SB 2524, SD 1, but has concerns for some of its provisions. SB 2524, SD 1 would, in part, amend Hawaii Revised Statutes (HRS) Chapter 514B to: (1) require that applications for the registration of a condominium property regime (CPR) created on lands in a county agricultural or preservation zoning district, include a verified statement from the counties that the project is in compliance with county ordinances, subdivision standards, and other rules; (2) disallow the processing of an incomplete application; (3) clarify conformance of CPRs with county subdivision and supplemental ordinances governing CPRs. SB 2524, SD 2 would also amend HRS § 205-4.5(f) to make lands subdivided for the purpose of agricultural use subject to county subdivision standards.

The SD 1 provision requiring county signoff of a CPR on agriculturally-zoned land prior to an application for registration with the State Real Estate Commission would allow the counties to review CPR projects before they are accepted for sale, which could improve oversight of CPR on agricultural lands. OP notes that it is in the recordation of a CPR—prior to registration—that ownership interests in units and declarations for the project are created. This might be the more appropriate time to have county review.

OP is particularly concerned about the proposed amendment to HRS § 205-4.5(f), and recommends its deletion or further amendment as described in the comment that follow. HRS § 205-4.5(f) was specifically enacted to facilitate access to leasehold agricultural land for small and mid-sized farmers. Existing language in HRS § 205-4.5(f)(2) clearly prohibits permanent or temporary dwellings or farm dwellings, including trailers and campers, on the lease lots created.

The exemption from county subdivision standards—particularly where a county had not adopted appropriate improvement standards for working agricultural lands—was to avoid

requiring agricultural lots to be serviced with more urban-like infrastructure and facilities, including all-weather roads, curbs and gutters, street lighting, fire protection, etc. Subjecting agricultural lease lots to these improvement requirements would result in improvements that are neither necessary nor affordable for farming operations, would contribute to the physical fragmentation of working lands, as well as increased lease rent costs to agricultural lessees.

OP offers the following comments related to specific provisions in SD 1:

1. Page 3, lines 1-15. OP recommends no amendment to the existing HRS language on line 15 of the bill, and offers the following as a means to ensure that no residential uses occur on lands exempt from subdivision standards under this section::

“(2) No permanent or temporary dwellings or farm dwellings, including trailers and campers, are constructed on the leased area. This restriction shall not prohibit the construction of storage sheds, equipment sheds, or other structures appropriate to the agricultural activity carried on within the lot; provided that no residential or congregate use of such sheds or other structures for any length of time shall be permitted, and any violation of this paragraph shall be subject to county enforcement authority and fines pursuant to sections 46-4, 205-12 and 205-13; and”...

2. Page 6, lines 3-10. OP recommends no amendment to the existing HRS language on lines 9-10 of the bill, because it would then apply to all other CPR applications with unknown implications for the processing of other types of CPRs. Rather, further amendment to the proposed subsection (c) using the same language as in subsection (b) would ensure that applications without county verification of compliance with county zoning and development ordinances and rules would not be processed.

“(c) An application for registration of a project in **the state agricultural land use district** or a county agricultural zoning district or preservation zoning district shall include a verified statement, signed by an appropriate county official, that the project is in compliance with **section 514B-5** and any supplemental county ordinances, county subdivision standards, and other rules adopted pursuant to section 514B-6. **The commission shall not accept the registration of a project where a county official has not signed a verified statement of compliance with this subsection.**”

Thank you for the opportunity to testify on this measure.

**PRESENTATION OF THE  
REAL ESTATE COMMISSION**

TO THE HOUSE COMMITTEE ON WATER AND LAND

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Wednesday, March 21, 2018  
10:15 a.m.

**TESTIMONY ON SENATE BILL NO. 2524, S.D. 1, RELATING TO COUNTY LAND USE  
REQUIREMENTS.**

TO THE HONORABLE RYAN I. YAMANE, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Nikki Senter, and I am the Chairperson of the Hawaii Real Estate Commission ("Commission"). Thank you for the opportunity to testify on S.B. 2524, S.D. 1, Relating to County Land Use Requirements. The Commission offers the following comments.

The purpose of this bill is to provide an option for county participation in the approval of major condominium property regimes. The preamble expresses concern about the perceived potential growth of condominium ownership of agricultural land and lack of county master planning. Specifically, it requires that any condominium property regime established under Hawaii Revised Statutes ("HRS") chapter 514B conform to the existing underlying county zoning and subdivision or equivalent requirements, as well as development rules, in addition to existing county compliance requirements for zoning, permitting, and development. This bill also amends HRS section 205-4.5 concerning subdivided leased agricultural land.

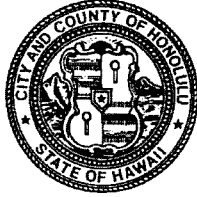
Unlike S.B. 2524, S.B. 2524, S.D. 1 unnecessarily amends HRS section 514B-52(d) in section 5 of the bill to mandate that the Commission not process any incomplete application and return incomplete applications. Upon filing, all applications become a government record, and this amendment creates an untenable situation requiring staff to return the application to the developer. Further, this amendment would deprive the Commission of its longstanding discretion to process and assist with completing applications where warranted.

Thank you for the opportunity to testify on S.B. 2524, S.D. 1.

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  
DEPUTY DIRECTOR  
  
EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

March 21, 2018

The Honorable Ryan I. Yamane, Chair  
and Members of the Committee on Water & Land  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Nishihara and Committee Members:

**Subject:** Senate Bill No. 2524, SD 1  
Relating to County Land Use Requirements

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 2524, SD 1, which requires condominium property regimes to comply with county subdivision requirements.

The Bill will allow county participation in the condominium property regime process, in order to ensure availability of necessary supportive infrastructure, and identification of potential negative impacts to environmentally important or culturally significant resources, prior to the piecemeal sale of the property.

Accordingly, we urge that this Bill be passed by your committees.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink that reads "Kathy K. Sokugawa".

Kathy K. Sokugawa  
Acting Director

**SB-2524-SD-1**

Submitted on: 3/19/2018 10:25:56 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William Jalbert	The Maui Real Estate Team, Inc.	Oppose	No

Comments:

Aloha Chair Yamane and Vice Chair Todd,

I am testifying **IN STRONG OPPOSITION** to Senate Bill 2524 SD1 which requires Condominium Property Regimes ("CPR") to comply with county subdivision requirements.

First and foremost, CPR's are a way of providing access to less expensive agricultural areas of land and dwellings. The auxiliary farm dwelling portions of Ag CPR's provide access to ag lands and housing that residents of Hawaii would not have access to if they were forced to purchase a full agricultural lot. We have a critical shortage of affordable homes in Hawaii and imposing subdivision requirements on Ag CPR's will make that problem worse.

Second, CPR's are not subdivisions. An Ag CPR on Maui almost always consists of two apartments or components. The component that allows for a primary farm dwelling and the second component consisting of an Auxiliary Farm Dwelling (as long as the owners have a compliant farm plan). Considering that they are not subdivisions, imposing subdivision rules on Ag CPR's seems like a logically and legally questionable imposition on agricultural parcel owners.

I understand some "developers" and owners have abused the CPR process on ag lands in other counties, but please do not penalize all of Hawaii for some bad apples. If county governments would focus more on enforcement of existing rules and regulations, the problems could be minimized and these less expensive units of housing can remain available to all.

Mahalo,

Billy Jalbert

Principal Broker / Owner

The Maui Real Estate Team, Inc.





**SB-2524-SD-1**

Submitted on: 3/19/2018 10:57:18 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria N. Isotov	Maui Land & Water Planning LLC.	Support	Yes

Comments:

Aloha Chair Yamane and Vice Chair Todd,

I am testifying **IN STRONG SUPPORT** to Senate Bill 2524 SD1 which requires Condominium Property Regimes (“CPR”) to comply with county subdivision requirements. Allows the Real Estate Commission to adopt rules that require a developer to seek County Council approval for significant projects. Requires agricultural lands that are subdivided and leased for agricultural uses or activities to comply with county subdivision standards.

CPR is a legal mechanism by which a person can hold title to a property. CPR is a form of ownership and **SHOULD BE a process of development**. As a realtor and a land use planner I come into contact with parties on both sides of the issue including many attorney's who no longer want to do the Agricultural CPR's that are creeping up island wide here on Maui and becoming a trend for property value increase and sales. The main problem seems to be the these sorts of transactions between property owners are creating legal issues for both parties who don't seem to understand that a CPR is not a development right. If a CPR is going to be another form of Subdivision of Ag Land then this is Development, and in Hawaii actions on the Agricultural lands need to be some how agriculturally related. If the CPR is going to allow transfer of property rights, in which development rights are part of that bundle then there needs to be clear language in the State and County Code just want those development rights are becuase parties don't seem to understand their rights and litigation becomes the only avenue to resolve those disputes, becuase even realtors who are selling these CPR'd AG lots don't understand what they are selling and the limits of what they are selling in order to properly advise their buyers. If attorney's are moving away from CPR'ing Ag lots then I think that is cause for concern to us life forms with lessor understanding of the legal system. I can say on Maui that in the past three years there has been a significant increase in CPR'd Ag Lots and the cost of land is going up just becuase of that preceived added value, which results in driving up prices of all property island wide becuase it becomes difficult for a resident family earning wages in the resident

employment market to be able to afford these high priced properties. So the homeowner and even rental market is impacted by this type of trend.

CPR does affect: use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. Because as the use in our Agricultural areas is intensified away from Ag use to rural urban uses demands arguments to Change zoning from Agricultural to Rural increases, and the Urban Density as a whole on our outer islands increases. Losing our valueable agricultural lands to the resulting urban development deminishes our capacity to provide for our food supply and the environmental benefits that our visitor industry comes to expect when they visit the outer islands.

Mahalo for the opportunity to testify on this measure.

SIGNED

MARIA N. ISOTOV, Land Use Planner and Hawaii Licensed Realtor RB-22431

Maui Land & Water Planning LLC.

Makawao, Island of Maui, Hawaii 96768

# JAKOB K. WORMSER ATTORNEY AT LAW LLLC

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*March 19, 2018*

STATE OF HAWAII HOUSE OF REPRESENTATIVES COMMITTEE ON WATER & LAND  
THE TWENTY-NINTH LEGISLATURE REGULAR SESSION OF 2018  
REP. RYAN I. YAMANE, CHAIR  
REP. CHRIS TODD, VICE CHAIR  
HEARING ON SB2524 SD1 (2018): Wednesday, March 21, 2018, at 10:15 a.m.

RE: TESTIMONY STRONGLY OPPOSING SB2524 SD1

To the House Committee on Water & Land:

As a Hawaii licensed real estate attorney with over a decade of experience in creating and registering CPRs in Hawaii I **STRONGLY OPPOSE SB2524 SD1** for the following reasons:

1. **ILLOGICAL, AMBIGUOUS, AND UNENFORCEABLE:** SB2524 SD1 appears to be based on a **FUNDAMENTAL MISUNDERSTANDING** of the law that it seeks to amend, as Condominium Property Regimes (“CPRs”) are **NOT** subdivisions because they do **NOT** create separate parcels. As such, a CPR **NEVER** affects a property’s use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. A CPR is a **FORM OF OWNERSHIP** and **NOT** a process of “development.” As such, county subdivision requirements **CANNOT** be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible. If this bill is interpreted to mean that each CPR Unit will be treated as if it were a separate subdivided lot (which is false), then it will unwittingly **NULLIFY THE ENTIRE CPR REGISTRATION PROCESS** authorized under Chapter 514-B of the Hawaii Revised Statutes, because **NO** county in Hawaii will be willing or able to certify that individual CPR units comply with all “subdivision standards.”
2. **THE COUNTY OF MAUI MUST BE EXEMPTED:** The County of Maui must be summarily exempt from this legislation because **MAUI COUNTY’S ZONING, BUILDING, AND DEVELOPMENT CODES ALREADY FULLY ADDRESS THE INTENT OF SB2524 SD1**. Maui County codes clearly stipulate that each agriculturally zoned parcel, **REGARDLESS OF SIZE**, may qualify for permits to build **NO** more than two (2) farm dwellings, **AFTER** implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for **ALL** parcels, regardless of zoning, with more than 3-dwellings. As such, the issues of infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui. Other counties, such as the City and County of Honolulu, which wish to regulate or “participate in the CPR process” should do so by strengthening and enforcing their county’s zoning and building codes and educating themselves as to the meaning of a CPR.

3. **RECENT SENATE COMMITTEE AMENDMENTS TO THE BILL INVALIDATE THE ORIGINAL STATED INTENT:** The preamble of the CURRENT VERSION OF THE BILL states: “The purpose of this Act is to provide an option for county participation in the approval of MAJOR condominium property regimes” (emphasis added). As drafted, the bill fails to define “major condominium property regimes,” and instead recklessly requires ALL CPRs, regardless of the number of units, to meet so-called subdivision standards, including 2-unit CPRs, which make up more than 90% of all CPRs in Maui County (see above). Furthermore the preamble states: “The legislature finds that there is a need to revise laws related to agricultural property regimes.” As written, the bill applies to ALL CPRs regardless of zoning, yet still claims protection of agriculture as its stated purpose. This bill DOES NOTHING TO PROTECT AGRICULTURE.
4. **DAMAGES LOCAL ECONOMY, ELIMINATES REAL ESTATE INDUSTRY JOBS, AND REDUCES STATE AND COUNTY TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.
5. **CREATES AN UNFUNDED MANDATE:** The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and under-staffed county departments, as well as the State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.
6. **UNNECESSARY AND REDUNDANT:** The proposed Bill unfairly targets the CPR process, which is already authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for ALL parcels. Strengthening State/county zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting land use, zoning, density, permitting/building codes, community plans, island plans, and urban growth boundaries, NOT further additions to the complex statewide CPR registration process already in place.
7. **ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii. This Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.
8. **DISCRIMINATORY AND UNLAWFUL:** SB2524 SD1 is discriminatory in that the Bill would disproportionately affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.

Additional attorney commentary and explanation:

For over ten years our real estate law office has worked diligently to ensure our Clients are in full compliance with the numerous requirements of HRS 514-B and a plethora of related administrative rules relating to CPRs. Although we agree with the spirit of legislation intended to protect agriculturally zoned land in Hawaii, SB2524 SD1 is highly problematic; it is arbitrary, discriminatory, confusing, and puts a massive burden on landowners, Counties, and the State of Hawaii Real Estate Branch. SB2524 SD1 discriminates against small agricultural landowners, families, and farmers who are simply trying to comply with county agricultural land-use requirements and the State CPR Statute. The Bill fails to address the underlying issues, which are the county-specific zoning and building codes that permit the overdevelopment of agriculturally zoned land without requiring infrastructure improvements.

Each year there are multiple proposed bills that make the CPR process, specifically authorized under section 514-B of the Hawaii Revised Statutes, more difficult and expensive to complete. Many of these bills reflect a basic lack of understanding of what a CPR actually is. The most common misconception is that a CPR is somehow comparable to a subdivision. This error is demonstrated by proposed legislation that repeatedly uses the terms “CPR” and “Subdivision” interchangeably and the misguided attempt to try to apply county regulated Subdivision rules to the State regulated CPRs process. It very frustrating that these bills do not reflect an understanding of what a CPR is, or the cumbersome and highly regulated process involved in creating and registering a CPR in Hawaii.

SB2524 SD1 perpetuates the erroneous belief that CPRs somehow change the underlying zoning of a parcel or increase the number of farm dwellings permitted on an agriculturally zoned parcel. **THIS IS FALSE.** Submitting a property to a CPR **NEVER** changes the underlying zoning of a parcel. A CPR **ALWAYS** remains one unsubdivided parcel for **ALL** State/County zoning and land use purposes. As such, a CPR on an agricultural parcel can be used **ONLY** for those agricultural uses already permitted under the State/County agricultural zoning, building, and development laws, and HRS 514-B law already requires CPR compliance with these laws.

Specifically, SB2524 SD1 appears (at least in part) to be in response to private agricultural landowners on Oahu and Kauai building multiple (county permitted) farm dwellings on a single lot without installing any infrastructure improvements, who then use the CPR process to sell each dwelling as a separate unit. If a county (e.g. Honolulu or Kauai) is allowing property owners to obtain permits to build multiple farm dwellings on a single agriculturally zoned property without requiring any subdivision/infrastructure improvements, then **THAT** county needs to address the issue via strengthening their local zoning/building codes, and/or the enforcement of those codes, **NOT** via a far reaching statewide change to an already complex and overregulated CPR statute.

Here on Maui, each agriculturally zoned parcel, **REGARDLESS OF SIZE**, may qualify for permits to build no more than two (2) farm dwellings per agricultural lot. For example, a CPR on a 2 or 2000 acre agricultural parcel (on Maui) is still only allowed a maximum of 1 main farm dwelling and 1 ohana farm dwelling, **AFTER** implementation of farming activities on at least 51% of the

land. This is why almost all agricultural CPRs on Maui are only 2-units, regardless of parcel size. If this legislation goes into effect, would future 2 unit agricultural CPRs need to comply with Subdivision requirements in addition to County building limitations? How could these requirements be applied by counties, since CPRs do not create separate parcels? Since most CPRs are on lots less than 4 acres, would this disqualify them from being submitted to a CPR, considering the fact that subdivision rules requires a minimum agricultural lot size of 2 acres? Furthermore, the County of Maui already requires subdivision/infrastructure improvements for all lots with more than 3 dwellings, so the issue of infrastructure improvements and overdevelopment of agricultural lands is thoroughly addressed by the County of Maui. Subjecting 2-unit CPRs to “subdivision rules” takes away a property owner’s legal right to CPR under HRS 514B for no good reason whatsoever.

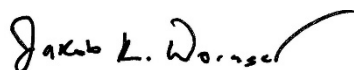
Rather than arbitrarily barring all agricultural CPRs, the legislature might consider why large parcels of agricultural land are being subdivided into multiple smaller parcels (often with limited public/infrastructure improvements), each of which is entitled build 1 Main Farm Dwelling and 1 Ohana Farm Dwelling, and none of which will ever have real farming activities due to their small size and high cost. Subdivisions and the lack of enforcement of the existing agricultural zoning codes are the real cause of “gentlemen farmers” and high-density development on agricultural land, NOT CPRS, which actually benefit farmers, small landowners, and families.

In 2014, the Hawaii legislature passed a far less burdensome law HRS 514B-52(b) relating to agricultural condominiums, which requires CPR Developers to obtain a County Certification that their CPR documents do not contain any restrictions on agriculture. This law did absolutely nothing to protect agriculture, because agricultural restrictions are already prohibited under HRS 205-4.6. This law simply caused widespread confusion among already overburdened County and State departments, millions of dollars in unnecessary economic losses, due to years of delays in CPR processing.

Passing SB2524 SD1 would create what amounts to an unfunded mandate, which would overwhelm all county planning departments, cause widespread gridlock and overburden government personnel trying to figure out how to implement a bill that requires condominium property regime units to comply with county subdivision requirements and forcing the state Real Estate Branch to decide how to apply the new “CPR subdivision requirements” on top of the existing HRS 514B condominium requirements.

For the reasons detailed above, I hope the Legislature will carefully consider my testimony for SB2524 SD1, as well as future bills amending HRS 514-B. In addition, I would also recommend repealing HRS 514B-52(b).

Sincerely,



Jakob K. Wormser  
Attorney at Law

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**From:** Patrick Franta  
**Sent:** Monday, March 19, 2018 9:39 AM  
**To:** waltestimony  
**Subject:** Opposing Testimony to SB 2524

Hawaii residents must prevent Senate Bill 2524 from becoming Law for the following reasons:

- 1. ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii, especially on the island of Maui. The vast majority of habitable land in Maui County is zoned “Agriculture” and this Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.
- 2. DISCRIMINATORY AND UNLAWFUL:** Senate Bill 2524 is discriminatory in that the Bill would only affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.
- 3. DAMAGES ECONOMY, DESTROYS JOBS, AND REDUCES TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.
- 4. CREATES AN UNFUNDED MANDATE:** The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and under-staffed county departments, as well as the State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.
- 5. ILLOGICAL AND UNENFORCEABLE:** Senate Bill 2524 appears to be based on a fundamental misunderstanding of the Law that it seeks to amend, as

Condominium Property Regimes (“CPRs”) are NOT subdivisions because they do NOT create separate parcels. Condominiumized properties remain one un-subdivided parcel for zoning/building purposes, never change a property’s underlying zoning, and never increase building density. As such, county subdivision requirements CANNOT be applied to CPR units legally, logically, or practically, making compliance with or enforcement of this legislation impossible.

6. UNNECESSARY AND REDUNDANT: The proposed Bill unfairly targets the CPR process, which is authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for all parcels, regardless of zoning. Strengthening State/county agricultural zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting agricultural land-use, NOT further additions to the complex statewide CPR registration process already in place.

7. NOT APPLICABLE TO THE COUNTY OF MAUI: At the very least, the County of Maui should be summarily exempt from this and similar legislation because Maui County’s zoning, building, and development codes already fully address the intent of Senate Bill 2524. Maui County codes clearly stipulate that each agriculturally zoned parcel, REGARDLESS OF SIZE, may qualify for permits to build NO more than two (2) farm dwellings, AFTER implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for all parcels with more than 3-dwellings. As such, the issues of infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui. Other counties that wish to regulate or participate in CPRs should do so by strengthening and enforcing their county zoning and building codes.

With Aloha,

PATRICK FRANTA  
REALTOR (S) 74727

M 808.280.7728

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Global Luxury Property Specialist, CLHMS



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**SB-2524-SD-1**

Submitted on: 3/19/2018 10:38:47 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dave Futch	Individual	Oppose	No

Comments:

Aloha Chair Yamane and Vice Chair Todd,

I am testifying **IN STRONG OPPOSITION** to Senate Bill 2524 SD1 which requires Condominium Property Regimes (“CPR”) to comply with county subdivision requirements. Allows the Real Estate Commission to adopt rules that require a developer to seek County Council approval for significant projects. Requires agricultural lands that are subdivided and leased for agricultural uses or activities to comply with county subdivision standards.

The people this impacts are your fellow Hawaii citizens who have selected living in an Ag zoned community for the purpose of having elbow room around their home, the chance to grow fruit, vegetables and proper animal husbandry. They are also your voters. This bill is negligent of the care for your constituents and will create a great deal of badwill - the exact opposite of the goodwill you "believe" you are generating. You need to have all the facts and actually understand how negative this measure is. If you vote in favor, then you must either not have all the facts or have some kind of ax to grind against someone. Think twice, read this and pay attention to your voters.

More facts:

CPR is a legal mechanism by which a person can hold title to a property. CPR is a form of ownership and **not a process of development**.

***CPR does NOT affect: use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries.***

None of those things change during or after a property has been CPR'd. A property cannot be developed via the CPR process beyond the underlying zoning, use and permitting process already designated by the State and County. The CPR process does not allow for additional structures beyond what a property is entitled for. The CPR process does not allow for more density than what already exists. The CPR process

does not change the uses permitted on the property. The only change is in how possession is held.

There is no nexus for County Council approval requirements.

***A CPR does NOT change any of the County's oversight already granted and approved via zoning and any additional requirements.***

The County's jurisdictional oversight already exists on these properties via zoning and permitting. This bill is attempting to put subdivision and development requirements on the CPR vehicle that's only means and use is a splitting of title which has nothing to do with neither County Council nor subdivision requirements.

As an example;

A person on Maui owns a 50 acre parcel in Launiupoko that is zoned agriculture. In this case, this person is only entitled to build two habitable structures on the property even though it is greater than two acres; One main farm dwelling and ancillary farm dwelling of no more than 1000 square feet. Upon permitting that owner must have an implemented farm plan for the property guaranteeing its farming uses greater than 50% of the land. That will never change, even if the property is CPR'd the entitlements and use will not increase nor change. Should that owner CPR the property and sell off one of the dwelling units nothing changes except there are now two owners and not one. The new 'lots' are only how title is owned on paper at the Bureau of Conveyances and real property tax office. The new ownership does not create a situation where two more dwellings are allowed. The underlying zoning and allowances govern that, and CPR does not modify it.

***If that owner would like to increase the density and build more than the allowable two habitable dwellings he/she would have to go through the County subdivision process and not merely CPR the property multiple ways.***

Therefore, there is no nexus to holding title via a CPR and needing County Council approvals nor subdivision requirements.

Mahalo for the opportunity to testify on this measure.



3-19-18

Aloha Chair Yamane and Vice Chair Todd,

I wanted to let you know I am strongly OPPOSED to Senate Bill 2524 SD1 which requires Condominium Property Regimes ("CPR") to comply with county subdivision requirements.

*These are two completely different mechanisms:* A subdivision requires County Council approval and is about zoning. A CPR is about holding title to a property. A CPR does not impact density, it does not impact underlying zoning, it does not impact permitting. A CPR is only about holding title. The CPR process does not let more dwellings be built than the property already allows. If you can build one house and one ohana on agricultural land, after the property is CPR'd *you still can only build one house and one ohana.*

Holding title for a CPR property and needing County Council approvals nor subdivision requirements really have nothing to do with each other. Please do not intermingle these completely different situations!

Mahalo for the opportunity to provide testimony on this measure.

With aloha,

Kathy Davey

2950 Aina Mahiai Place

Lahaina, HI 96761

**SB-2524-SD-1**

Submitted on: 3/19/2018 1:48:20 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Philip de Carion	Individual	Oppose	No

Comments:

SB2524 is arbitrary and capricious. It will encourage others NOT to invest in Maui. It will limit tax revenue, and tax revenue is needed for schools, infrastructure, prnsions and all government operations. Please, keep Maui nice, well funded and welcoming! Vote AGAINST sb2524!

sINCERELY,

pHIL DE cARION

**SB-2524-SD-1**

Submitted on: 3/19/2018 2:01:38 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michele Parker	Individual	Oppose	No

Comments:

I am submitting my testimony on behalf of my family in strongly opposing SB2524 because it would severely limit the use of agricultural zoned properties on Maui. There is ample zoning control for agricultural properties currently in place on Maui. In addition, the current water restrictions and no available water meters in Upcountry Maui, and subdivision potential is curtailed. This bill would prohibit the ability to pass on portions of one's property to their heirs and/or family members.

Respectfully Submitted - Michele Parker

**SB-2524-SD-1**

Submitted on: 3/19/2018 2:15:20 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Peter Jalbert	Individual	Support	No

Comments:

Aloha,

I am opposed to this bill. It seems to address an Oahu specific issue with unintended consequences for Maui and other outer islands. The CPR Process has helped bring additional inventory to market at lower price points on Maui. We are facing a housing crunch on this island and this allows and encourages the building of accessory farm dwellings without increasing density above and beyond what zoning allows.

Sincerely,

Joseph "Pete" Jalbert



**SB-2524-SD-1**

Submitted on: 3/19/2018 2:29:05 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kurt magness	Individual	Oppose	No

Comments:

To who it may concern:

The system works fine now. Don't change it. This bill would overly complicate the CPR process, cost citizens more money in the long run, reduce affordable housing in Hawaii, make the cpr process virually impossible to do and to what end ? This is just obstructionist legislature with no positive outcome for Hawaiian citizens.

Mahalo,

Kurt

**SB-2524-SD-1**

Submitted on: 3/19/2018 2:33:48 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia L Warner	Individual	Oppose	No

Comments:

Dear Sir and Madam Senators;

Please OPPOSE this Senate Bill. The elimination of this type of CPR is an infraction against property owners rights. It also reduces affordable housing and options for families to convey land to their family members. The current status of processing does not increase density as this type of CPR still has to stay within the maximum density requirement of the County in which a CPR is being processed. Please OPPOSE this bill. Please call me if you have any questions. Cynthia 808-283-2552

**SB-2524-SD-1**

Submitted on: 3/19/2018 2:43:39 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Isaac Friedman	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE SB2524 SD1 for the following reasons:

1. **ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii. This Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.

2. **DISCRIMINATORY AND UNLAWFUL:** Senate Bill 2524 is discriminatory in that the Bill would disproportionately affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.

3. **DAMAGES LOCAL ECONOMY, ELIMINATES REAL ESTATE INDUSTRY JOBS, AND REDUCES STATE AND COUNTY TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.

4. **CREATES AN UNFUNDED MANDATE:** The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and understaffed county departments, as well as the State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.

5. **ILLOGICAL AND UNENFORCEABLE:** Senate Bill 2524 appears to be based on a **FUNDAMENTAL MISUNDERSTANDING** of the Law that it seeks to amend, as Condominium Property Regimes (“CPRs”) are **NOT** subdivisions because they do **NOT** create separate parcels. As such, a CPR does **NEVER** affects a property’s use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. A CPR is a **FORM OF OWNERSHIP** and **NOT** a process of “development.” As such, county subdivision requirements **CANNOT** be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible.

6. **UNNECESSARY AND REDUNDANT:** The proposed Bill unfairly targets the CPR process, which is already authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for **ALL** parcels. Strengthening State/county zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting land use, zoning, density, permitting/building codes, community plans, island plans, and urban growth boundaries, **NOT** further additions to the complex statewide CPR registration process already in place.

7. **THE COUNTY OF MAUI MUST BE EXEMPTED:** The County of Maui must be summarily exempt from this legislation because **MAUI COUNTY’S ZONING, BUILDING, AND DEVELOPMENT CODES ALREADY FULLY ADDRESS THE INTENT OF SENATE BILL 2524**. Maui County codes clearly stipulate that each agriculturally zoned parcel, **REGARDLESS OF SIZE**, may qualify for permits to build **NO** more than two (2) farm dwellings, **AFTER** implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for all parcels, regardless of zoning, with more than 3-dwellings. As such, the issues of infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui. Other counties (such as the City and County of Honolulu) that wish to regulate or “participate in the CPR process” should do so by strengthening and enforcing their county zoning and building codes.

**SB-2524-SD-1**

Submitted on: 3/19/2018 3:07:45 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patrick Mullen	Individual	Oppose	No

Comments:

**We STRONGLY OPPOSE SB2524 SD1 for the following reasons:**

- 1. ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii. This Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.
- 2. DISCRIMINATORY AND UNLAWFUL:** Senate Bill 2524 is discriminatory in that the Bill would disproportionately affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.
- 3. DAMAGES LOCAL ECONOMY, ELIMINATES REAL ESTATE INDUSTRY JOBS, AND REDUCES STATE AND COUNTY TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.
- 4. CREATES AN UNFUNDED MANDATE:** The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and understaffed county departments, as well as the State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.
- 5. ILLOGICAL AND UNENFORCEABLE:** Senate Bill 2524 appears to be based on a **FUNDAMENTAL MISUNDERSTANDING** of the Law that it seeks to amend, as Condominium Property Regimes (“CPRs”) are NOT subdivisions because they do NOT create separate parcels. As such, a CPR NEVER affects a property’s use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. A CPR is a **FORM OF OWNERSHIP** and NOT a process of “development.” As such, county subdivision requirements CANNOT be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible.

6. UNNECESSARY AND REDUNDANT: The proposed Bill unfairly targets the CPR process, which is already authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for ALL parcels. Strengthening State/county zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting land use, zoning, density, permitting/building codes, community plans, island plans, and urban growth boundaries, NOT further additions to the complex statewide CPR registration process already in place.

7. THE COUNTY OF MAUI MUST BE EXEMPTED: The County of Maui must be summarily exempt from this legislation because MAUI COUNTY'S ZONING, BUILDING, AND DEVELOPMENT CODES ALREADY FULLY ADDRESS THE INTENT OF SENATE BILL 2524. Maui County codes clearly stipulate that each agriculturally zoned parcel, REGARDLESS OF SIZE, may qualify for permits to build NO more than two (2) farm dwellings, AFTER implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for all parcels, regardless of zoning, with more than 3-dwellings. As such, the issues of infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui. Other counties (such as the City and County of Honolulu) that wish to regulate or "participate in the CPR process" should do so by strengthening and enforcing their county zoning and building codes.

Thank you,

Patrick K. Mullen

(808) 283-5590

**SB-2524-SD-1**

Submitted on: 3/19/2018 3:18:18 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sarah Schmidt	Individual	Oppose	No

Comments:

This will increase the cost of living on all of our islands by making lots more expensive.

**SB-2524-SD-1**

Submitted on: 3/19/2018 3:41:31 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janet L Anderson-Pung	Individual	Oppose	No

Comments:

I firmly believe that this Bill is wrong and will adversely effect the Maui community. As a 24 year Real Estate Professional, I can tell you that there is a vast deficit of affordable housing on the island. Passing this Bill will on grow that deficit even larger. Prices of non CPR'd properties are growing to the point of being unaffordable for the majority of islanders. CPRs are one of the final choices afforded lower income buyers to be able to obtain a home of their own.

I also believe that there are already too many stringent laws effecting land ownership people's rights. Passing this Bill would only add one more limitation to ownership and choices for use and development that Maui landowners already have.

As an AG land owner myself, I'd always thought that somewhere down the line, I'd have the opportunity to CPR and sell a section of land, in order to fund retirement and health insurance expenses. If this Bill passes, our entire plan for our future will be thwarted.

This Bill must not pass.



I STRONGLY OPPOSE SB2524 SD1 for the following reasons:

1. **ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii. This Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.

2. **DISCRIMINATORY AND UNLAWFUL:** Senate Bill 2524 is discriminatory in that the Bill would disproportionately affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.

3. **DAMAGES LOCAL ECONOMY, ELIMINATES REAL ESTATE INDUSTRY JOBS, AND REDUCES STATE AND COUNTY TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.

4. **CREATES AN UNFUNDED MANDATE:** The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and under-staffed county departments, as well as the State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.

5. **ILLOGICAL AND UNENFORCEABLE:** Senate Bill 2524 appears to be based on a **FUNDAMENTAL MISUNDERSTANDING** of the Law that it seeks to amend, as Condominium Property Regimes (“CPRs”) are NOT subdivisions because they do NOT create separate parcels. As such, a CPR does NEVER affects a property’s use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. A CPR is a **FORM OF OWNERSHIP** and NOT a process of “development.” As such, county subdivision requirements CANNOT be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible.

6. **UNNECESSARY AND REDUNDANT:** The proposed Bill unfairly targets the CPR process, which is already authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for ALL parcels. Strengthening State/county zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting land use, zoning, density, permitting/building codes, community plans, island plans, and urban growth boundaries, NOT further additions to the complex statewide CPR registration process already in place.

7. **THE COUNTY OF MAUI MUST BE EXEMPTED:** The County of Maui must be summarily exempt from this legislation because MAUI COUNTY’S ZONING, BUILDING, AND DEVELOPMENT CODES ALREADY FULLY ADDRESS THE INTENT OF SENATE BILL 2524. Maui County codes clearly stipulate that each agriculturally zoned parcel, REGARDLESS OF SIZE, may qualify for permits to build NO more than two (2) farm dwellings, AFTER

implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for all parcels, regardless of zoning, with more than 3-dwellings. As such, the issues of infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui. Other counties (such as the City and County of Honolulu) that wish to regulate or “participate in the CPR process” should do so by strengthening and enforcing their county zoning and building codes.

Terese Masters  
Agriculture Researcher

**SB-2524-SD-1**

Submitted on: 3/19/2018 4:06:09 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peter Hamill	Individual	Oppose	No

Comments:

I am writing to voice my **STRONG OPPOSITION** to this bill. Maui County is in the midst of a housing crisis. Rent has skyrocketed and "affordable housing" is a half a million dollars. The majority of the land on Maui is zoned agriculture. With subdivision processes taking at least 3 years to wind their way through the county, the CPR process has been a viable alternative to create more housing options. This bill completely eliminates that option and does so at the expense of Maui County residents who desperately **NEED MORE AFFORDABLE HOUSING OPTIONS**. It's not a fair bill for the outer islands. We had to swallow Oahu's rail pill. Don't make us swallow this too. **PLEASE VOTE NO ON THIS BILL!**

**SB-2524-SD-1**

Submitted on: 3/19/2018 4:34:12 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cassandra Jones	Individual	Oppose	No

Comments:

March 19, 2018

STATE OF HAWAII HOUSE OF REPRESENTATIVES COMMITTEE ON WATER & LAND

THE TWENTY-NINTH LEGISLATURE REGULAR SESSION OF 2018

REP. RYAN I. YAMANE, CHAIR

REP. CHRIS TODD, VICE CHAIR

HEARING RE. SB2524 SD1 (2018): Wednesday, March 21, 2018, at 10:15 a.m.

To the House Committee on Water & Land,

I STRONGLY OPPOSE SB2524 SD1 for the following reasons:

1. The proposed bill is based on misinformation. A CPR is form of ownership, not a process of "development." Counties cannot apply "subdivision standards" to CPRs because they are not subdivisions; CPRs do not create separate parcels. Making "subdivision standards" a CPR requirement will effectively place a ban on CPRs in Hawaii.

2. The proposed bill does not provide an effective or efficient solution for the problems it seeks to address, including the protection of agricultural land from overdevelopment and lack of supporting infrastructure. SB2524 SD1 will not improve infrastructure and is more likely to hurt local farmers and residents than protect agricultural land. Strengthening state/county zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate

solutions, not legislation that further complicates the statewide CPR registration process that is authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes.

3. The proposed bill is redundant. The County of Maui already requires subdivision-type infrastructure improvements for all parcels, regardless of zoning, with more than 3-dwellings. Other counties concerned with overdevelopment should adopt and enforce similar zoning and building codes. At the very least, Maui County should be exempt from SB2524 SD1.

4. The bill would have a significant negative impact on the real estate industry, jobs, and the State economy as a whole due to large losses in tax revenue from reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues (from the separate tax assessment of CPR units), and lost State income/GET/TAT tax revenue (from the sale and rental of CPR units).

5. The bill would create an unfunded mandate, and task under-staffed county departments and the State of Hawaii Real Estate Branch with interpreting, implementing, and enforcing the new law.

6. The bill would severely limit affordable housing options by effectively wiping out CPRs, one of the only means of creating new affordable housing for working class residents, farmers, and local families.

7. The bill is discriminatory in that it will disproportionately affect agricultural landowners and prevent private property owners from making economically viable use of their land (a form of "regulatory taking" that could result in litigation against the State for just compensation).

I was born and raised on Maui and hope to one day own a home of my own. My husband and I are both teachers and the CPR process is the only foreseeable way for my family and I to become homeowners. As a resident of a neighbor island, I hope the WAL Committee will carefully consider my written testimony, as I am not able to appear in person to testify against SB2524 SD1.

Sincerely,

Cassandra Jones

**SB-2524-SD-1**

Submitted on: 3/19/2018 3:06:50 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
camila wai	Individual	Oppose	No

Comments:

As a local person on Maui, like many others, I just found out that you are trying to ban Agricultural CPRs . As someone that is supposed to act for the people of Hawaii on their best interest it is pathetic to me that someone with your power is doing this to us, the local people.

Not only the prices of houses and land are extremely unaffordable to 90% of the people living here, passing a bill that eliminates cprs on AG land will make it impossible for the locals to even buy anything.

Investors that don't even want to live here buy land and houses, they later sell those for double the money. Locals can't afford it so you try to balance it out with what you call "affordable housing" (500k is not affordable) your income ratio qualifications are ridiculous. To make it simple: someone that has a mortgage of 500k needs to make a lot more than 100k a year before taxes to be able to afford that mortgage. Not only that, but the locals have to now accommodate to own a house that is prefabricated that looks exactly like all the other houses on that same neighborhood adjusting themselves to a cheap house made out of cheap wood.

A local that is able to afford an ag land that he/she is able to cpr is able to sell "lot b" and with that use it as a great help to pay off his mortgage sooner. Locals should have the same or more opportunity than any investor. **If you like to change the cpr rules then change it for investors that are not locals to Hawaii but keep it how it is for local people that are trying to diminish their mortgages and make a decent living in Hawaii.**

I want to remind you that the reason why you have your job is because the people of Hawaii gave you the opportunity to be there, they believed that you had their best interest at heart and because of them you now have the opportunity to provide a good life for your family. With your income currently you might not be limited to have to buy an affordable house for your family, you are probably not scared of not being able to provide food to your kids. I remind you that the luxury that you are living on is only because of the people that voted you and gifted you the opportunity to upgrade your

lifestyle. I sent over 70 emails to each legislator and senators and didn't even get a response of any kind. This alone shows how little you care.

So maybe you don't care how passing this bill will affect regular people that are trying to make a living. It's hard to put yourself on someone else's shoes when you are not living that reality financially. If what you are concerned about is that Maui is too commercial you should focus on stopping hotels and commercial properties from being built.

By passing sb2524 bill you will be putting tons of families like me on the verge of foreclosing. And again, I remind you that the reason why this is not your reality is because us, local people gave you the opportunity to have a better lifestyle by allowing you to have the position you are currently holding. People spoke, people are opposed to this bill (sb2524), and yet, even though the opposition to this is overwhelming it passed to the house like nothing, as simple as that....I wonder how.....

I am overwhelmed and disgusted by the intentions on taking the little that is left to the locals and Hawaiian people. When you do wrong it always comes back to you.

**To sum up I strongly disagree with banning Cpr on Ag land and I strongly suggest to stop this bill immediately.**

**Do what is right for the people.**



**SB-2524-SD-1**

Submitted on: 3/19/2018 4:52:21 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eduardo A. Gandolfo	Individual	Oppose	No

Comments:

I strongly oppose!

**SB-2524-SD-1**

Submitted on: 3/19/2018 5:14:23 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jamil Newirth	Individual	Oppose	No

Comments:

Dear Honorable House Representatives,

I am writing with great urgency to **STRONGLY OPPOSE** Hawaii Senate Bill 2524 (referred to House Committees WAL and FIN) “requiring condominium property regimes to comply with county subdivision or equivalent requirements.”

This uninformed bill would effectively ban all agricultural requiring condominium property regimes (“CPRs”) throughout Hawaii. The bill inexplicably passed through the Senate, despite overwhelming testimony AGAINST it, including opposing testimony from the State of Hawaii DCCA Real Estate Branch, which will be tasked with implementing/enforcing the new law, as well as from nearly everyone else who understands the CPR law (HRS 514-B).

Attached please find my detailed testimony, which will be formally submitted to the House committees at the first possible opportunity.

For your convenience, below is a summary of the main points of our testimony STRONGLY OPPOSING Hawaii Senate Bill 2524:

1. Senate Bill 2524 appears to be based on a fundamental misunderstanding of the Law that it seeks to amend, as Condominium Property Regimes (“CPRs”) are NOT subdivisions because they do NOT create separate parcels. Condominiumized properties remain one un-subdivided parcel for zoning/building purposes, never change a property’s underlying zoning, and never increase building density. As such, county subdivision requirements CANNOT be applied to CPR units legally, logically, or practically, making compliance with or enforcement of this legislation impossible.
2. The proposed Bill unfairly targets the CPR process, which is authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for all parcels, regardless of zoning. Strengthening State/county agricultural zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting agricultural land-use, NOT further additions to the complex statewide CPR registration process already in place.

3. We are experiencing an affordable housing crisis in Hawaii, especially on the Island of Maui. The vast majority of habitable land in Maui County is zoned "Agriculture" and this bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families. The current MLS listings clearly reflect the fact that agricultural CPRs are the only housing available in Maui County for under \$500,000.
4. This Bill would also have an extremely negative impact on our State economy in the form of millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry, including but not limited to realtors, attorneys, landowners, escrow/title companies, lenders, advertisers, property buyers/sellers, tourists, families, farmers, and state/local government officials.
5. At the very least, the County of Maui should be summarily exempt from this and similar legislation because Maui County's zoning, building, and development codes already fully address the intent of Senate Bill 2524. Maui County codes clearly stipulate that each agriculturally zoned parcel, REGARDLESS OF SIZE, may qualify for permits to build NO more than two (2) farm dwellings, AFTER implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for all parcels with more than 3-dwellings. As such, the issues of infrastructure improvements, overdevelopment of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui.

If other counties want to regulate or participate in CPRs, they may do so via strengthening their zoning and building codes, they do NOT need the State to pass this overreaching bill.

1. The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and under-staffed county departments, as well as the State of Hawaii Real Estate Branch.
2. Senate Bill 2524 is discriminatory in that the Bill would only affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a "regulatory taking" because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.

I respectfully request that this bill be terminated before it becomes necessary for already disadvantaged neighbor island residents to fly to Oahu to testify against it. Please contact me should you have any questions and thank you. - Jamil Newirth

**SB-2524-SD-1**

Submitted on: 3/19/2018 7:55:20 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rory Frampton	Individual	Oppose	No

Comments:

Dear Chair Yamane and Members, House Committee on Water and Land

RE: SB2524 SD1

My name is Rory Frampton. I am a professional land use planner with over 27 years of experience in the public and private sectors on the island of Maui. I submit this testimony on my own behalf.

I am writing in opposition to SB2425 SD1. This bill apparently stems from concerns related to developers adding density and development to Agricultural lots and skirting around subdivision requirements. This appears to be an issue on Oahu and/or Kauai, however it is not a problem in Maui County since Maui County specifically establishes density standards based on lots of record. Use of CPRs to create separate ownership regimes cannot be allowed to create more density than otherwise allowed on a lot as established by zoning. **If this is a problem in other Counties, then they have the ability to fix the problem through their own zoning and subdivision standards.** Please do not overly complicate the already complex CPR process by passing this bill.

Also, since this applies to all districts, does it force a CPR project into a subdivision if it involves a simple change in ownership regime, say from rental or lease to CPR fee simple? For a multi-unit structures this would be impossible. Please be aware of unintended consequences.

Lastly, please do not amend HRS 204-4.5(f) to force leases for purely Ag purposes to go through the subdivision process. This provision of the law was intended to help true Ag farmers and ranchers. The proposed amendment would have a negative impact on getting real farmers and ranchers back on the land, especially on large former plantation parcels.

Thank you

## Heidi Bigelow

1336 W Kuiaha Rd. ~ Haiku HI 96708 ~ 808-264-5639

DATE: March 19, 2018  
To: House Committee on Water & Land  
  
Subject: **OPPOSE SB2524 SD1**

**Dear Chair and Honorable Members:**

I **STRONGLY OPPOSE** SB2524 SD1 for the following reasons:

1. Senate Bill 2524 appears to be based on a misunderstanding of the Law that it seeks to amend: Condominium Property Regimes (“CPRs”) do NOT create separate parcels. A CPR is a FORM OF OWNERSHIP and NOT a process of “development.” As such, county subdivision requirements CANNOT be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible.
2. EXEMPT THE COUNTY OF MAUI: The County of Maui has more stringent agricultural zoning ordinances that the State (a ‘sliding scale’ with 2-acer minimum lots up to 40-acer minimum lots, with each lot created under the sliding scale having a requirement of farming the majority of the property for farm dwellings to be permitted. Maui County must be summarily exempt from this legislation because MAUI COUNTY’S ZONING, BUILDING, AND DEVELOPMENT CODES ALREADY FULLY ADDRESS THE INTENT OF SENATE BILL 2524. Other counties (such as the City and County of Honolulu) that wish to regulate or “participate in the CPR process” should do so by strengthening and enforcing their county zoning and building codes.
3. UNNECESSARY AND REDUNDANT: The proposed Bill unfairly targets the CPR process, which is already authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for ALL CPRs, regardless of land use classification or zoning. Strengthening State/county zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting land use, zoning, density, permitting/building codes, community plans, island plans, and urban growth boundaries, NOT further additions to the complex statewide CPR registration process already in place.

Thank you for considering my testimony.

Mahalo,

Heidi Bigelow

# Hugh Starr & Co., LLC

P.O. Box 33

Makawao, HI 96768

[starr@maui.net](mailto:starr@maui.net)

mauiranchland.com

March 19, 2018

Representative Chris Todd  
Vice Chair, House Water and Land Committee  
House District 2  
Hawaii State Capitol, Room 305  
Re: SB2524 SD1

Aloha Vice Chair Todd:

I write you today to share my strong opposition to the anti-CPR bill for homes in agricultural districts, SB2524 SD1. A landowner utilizing the condominium form of ownership (instead of, say, T/E, J/T, LLC, etc.) cannot increase the allowable dwelling density on Maui and Hawaii County Ag Lands...simply not allowed or legal.

For example, my wife, Erin, & I have four children (+ 4 g'children); three live on our Olinda, Maui parcels. We have built 4 ag dwellings...the max allowed by Maui County on two parcels. We cannot build any more dwellings. Erin and I are in our mid '70s and planning succession to our 4 children. Without the condo ag-zoned ownership, which will be forbidden in agricultural districts by SB2524 SD 1, we'll force our children into an undivided 'Hui' ownership with their sibling(s)...life-long Hawaii residents know too well how disruptive & disastrous huis have been for our long-time Hawaii landowners. With the condo ownership, each of our children is able to carry on independently in their homes without such disruption. I know you're able to appreciate the benefits of this for our Island landowner resident families who otherwise have been mostly unable to secure affordable housing in Hawaii for their next generations..

I respectfully ask that you please help lead your WAL Committee to oppose SB2524 SD1.

Thank you for your consideration of this request Vice Chair Todd. And thank you for your tireless leadership for our State's rural communities...we appreciate it!!

*Hugh Starr*

Aloha, Hugh Starr

**SB-2524-SD-1**

Submitted on: 3/19/2018 10:25:38 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
CHELSEA HILL	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE SB2524 SD1 for the following reasons:

1. **ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii. This Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.

2. **DISCRIMINATORY AND UNLAWFUL:** Senate Bill 2524 is discriminatory in that the Bill would disproportionately affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.

3. **DAMAGES LOCAL ECONOMY, ELIMINATES REAL ESTATE INDUSTRY JOBS, AND REDUCES STATE AND COUNTY TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.

4. **CREATES AN UNFUNDED MANDATE:** The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and understaffed county departments, as well as the State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.

5. **ILLOGICAL AND UNENFORCEABLE:** Senate Bill 2524 appears to be based on a **FUNDAMENTAL MISUNDERSTANDING** of the Law that it seeks to amend, as Condominium Property Regimes (“CPRs”) are **NOT** subdivisions because they do **NOT** create separate parcels. As such, a CPR does **NEVER** affects a property’s use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. A CPR is a **FORM OF OWNERSHIP** and **NOT** a process of “development.” As such, county subdivision requirements **CANNOT** be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible.

6. **UNNECESSARY AND REDUNDANT:** The proposed Bill unfairly targets the CPR process, which is already authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for **ALL** parcels. Strengthening State/county zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting land use, zoning, density, permitting/building codes, community plans, island plans, and urban growth boundaries, **NOT** further additions to the complex statewide CPR registration process already in place.

7. **THE COUNTY OF MAUI MUST BE EXEMPTED:** The County of Maui must be summarily exempt from this legislation because **MAUI COUNTY’S ZONING, BUILDING, AND DEVELOPMENT CODES ALREADY FULLY ADDRESS THE INTENT OF SENATE BILL 2524**. Maui County codes clearly stipulate that each agriculturally zoned parcel, **REGARDLESS OF SIZE**, may qualify for permits to build **NO** more than two (2) farm dwellings, **AFTER** implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for all parcels, regardless of zoning, with more than 3-dwellings. As such, the issues of infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui. Other counties (such as the City and County of Honolulu) that wish to regulate or “participate in the CPR process” should do so by strengthening and enforcing their county zoning and building codes.



**SB-2524-SD-1**

Submitted on: 3/19/2018 11:08:03 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elise Lee	Honolulu Board of Realtors	Oppose	Yes

Comments:

Aloha Chair Yamane and Vice Chair Todd,

I am testifying **IN STRONG OPPOSITION** to Senate Bill 2524 SD1 which requires Condominium Property Regimes (“CPR”) to comply with county subdivision requirements. Allows the Real Estate Commission to adopt rules that require a developer to seek County Council approval for significant projects. Requires agricultural lands that are subdivided and leased for agricultural uses or activities to comply with county subdivision standards.

CPR is a legal mechanism by which a person can hold title to a property. CPR is a form of ownership and **not a process of development**.

CPR does NOT affect: use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. None of those things change during or after a property has been CPR'd. A property cannot be developed via the CPR process beyond the underlying zoning, use and permitting process already designated by the State and County. The CPR process does not allow for additional structures beyond what a property is entitled for. The CPR process does not allow for more density than what already exists. The CPR process does not change the uses permitted on the property. The only change is in how possession is held.

There is no nexus for County Council approval requirements. A CPR does NOT change any of the County's oversight already granted and approved via zoning and any additional requirements. The County's jurisdictional oversight already exists on these properties via zoning and permitting. This bill is attempting to put subdivision and development requirements on the CPR vehicle that's only means and use is a splitting

of title which has nothing to do with neither County Council nor subdivision requirements.

As an example;

A person on Oahu owns a 50 acre parcel in Northshore that is zoned agriculture. In this case, this person is only entitled to build two habitable structures on the property even though is it greater than two acres; One main farm dwelling and ancillary farm dwelling of no more than 1000 square feet. Upon permitting that owner must have an implemented farm plan for the property guaranteeing its farming uses greater than 50% of the land. That will never change, even if the property is CPR'd the entitlements and use will not increase nor change. Should that owner CPR the property and sell off one of the dwelling units nothing changes except there are now two owners and not one. The new 'lots' are only how title is owned on paper at the Bureau of Conveyances and real property tax office. The new ownership does not create a situation where two more dwellings are allowed. The underlying zoning and allowances govern that, and CPR does not modify it.

If that owner would like to increase the density and build more than the allowable two habitable dwellings he/she would have to go through the County subdivision process and not merely CPR the property multiple ways.

Therefore, there is no nexus to holding title via a CPR and needing County Council approvals nor subdivision requirements.

Mahalo for the opportunity to testify

**SB-2524-SD-1**

Submitted on: 3/20/2018 1:36:21 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aileen Payne	Individual	Oppose	No

Comments:

This is going to be just another obstacle for the hardworking people of Hawaii, who already deal with the high cost of living here on the islands and the scarcity of affordable living. This is not fair for the residents of Hawaii, and should not be passed.

**SB-2524-SD-1**

Submitted on: 3/20/2018 7:09:07 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gale Ashby	Individual	Oppose	No

Comments:

My name is Gale Ashby. I am an agricultural land owner of 6.5 acres on Maui. I am attempting to establish a viable farm operation growing dragon fruit, citrus, and vegetables. The current bill being proposed is counter productive and discriminates against the many small agricultural land owners who are trying to legitimately farm and make a go of it economically. The current CPR laws on Maui are effectively in place now and are sufficient. The CPR process does not increase land density and is controlled by current ag zoning regulations. In many cases, meeting subdivision requirements is just not feasible due to the lack of county water and other factors. Taking away the current CPR process will eliminate the possibility to pass on property to children and other family members. If this legislation is prevent large lot development then it must be adressed in another way and not take away the rights of small lot ag owners. Please vote no against the current bill.

Sincerely,

Gale Ashby

Haiku, Maui

**SB-2524-SD-1**

Submitted on: 3/20/2018 6:48:41 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
alexa hatton	Individual	Oppose	No

Comments:

This bill will only make it harder for hard working people to own a home on Maui. We already have an affordable housing crisis here. This will only make it worse for locals. Do you really want this island to only be for wealthy land owners? Please stop this bill!

**SB-2524-SD-1**

Submitted on: 3/20/2018 7:25:15 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Matheson	Individual	Oppose	No

Comments:

Strongly oppose



Imanaka Asato  
A LIMITED LIABILITY LAW COMPANY

March 20, 2018

Representative Ryan I. Yamane, Chair  
Representative Chris Todd, Vice Chair  
Members of the House Committee on Water & Land  
Twenty-Ninth Legislature  
Regular Session of 2018

RE: SB 2524, SD1 - Relating to County Land Use Requirements  
Hearing date: March 21, 2018 at 10:15 am

Aloha Chair Yamane and Members of the Committee on Water & Land,

Thank you for allowing me to submit testimony on SB 2524, SD1 - Relating to County Land Use Requirements. SB 2524, SD1 seeks to require a project on land designated as agricultural or preservation zoning district to comply with county subdivision requirements and include a verified statement, signed by an appropriate county official, that the project is in compliance with any supplemental county ordinances, county subdivision standards, and other rules.

The CPR registration is a ministerial process that was created to provide a form of legal ownership for separate units within a larger parcel. Current state law allows for the creation of a CPR upon recordation of the master deed together with a declaration, without review from the county permitting departments. County review is not needed because HRS 514B specifically requires CPRs to comply with county land use laws and regulations.

Although the intent of SB 2524, SD1 is to require projects on agricultural and preservation lands to comply, section 3 of the bill adds a broad revision which could be interpreted as applying to all CPR projects. Accordingly, I recommend the following revisions:

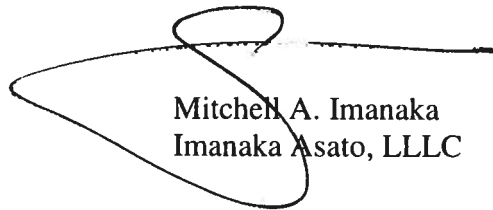
SECTION 3. Section 514B-5, Hawaii Revised Statutes, is amended to read as follows:

**"§514B-5 Conformance with county [~~land—use~~] laws.** Any condominium property regime established under this chapter shall conform to the existing underlying county zoning and, as to any parcel zoned for agricultural use, subdivision or equivalent

House Committee on Water & Land  
March 20, 2018  
Page Two

requirements, for the property and all applicable county permitting requirements adopted by the county in which the property is located, including any supplemental rules adopted by the county, pursuant to section 514B-6, to ensure the conformance of condominium property regimes to the purposes and provisions of county zoning, subdivision, as to any parcel zoned for agricultural use, and development ordinances and rules and chapter 205, including section 205-4.6 where applicable. In the case of a property which includes one or more existing structures being converted to condominium status, the condominium property regime shall comply with section 514B-32(a)(13) or 514B-84(a)."

Mahalo for your consideration,





Mitchell A. Imanaka  
Imanaka Asato, LLC





 | 808-733-7060

 | 808-737-4977

 | 1259 A'ala Street, Suite 300  
Honolulu, HI 96817

March 21, 2018

**The Honorable Ryan Yamane, Chair**

House Committee on Water and Land

State Capitol, Room 325

Honolulu, Hawaii 96813

**RE: Senate Bill 2524, SD1, Relating to County Land Use Requirements**

**HEARING: Wednesday, March 21, 2018, at 10:15 a.m.**

Aloha Chair Yamane, Vice Chair Todd Members of the Committee,

I am Ken Hiraki, Director of Government Affairs, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its close to 9,500 members. HAR **opposes** Senate Bill 2524, SD1, which requires agricultural lands that are subdivided and leased for agricultural uses or activities to comply with county subdivision standards. Requires condominium property regimes to comply with county subdivision or equivalent requirements. Requires that an application for registration of a project in a county agricultural zoning district or preservation zoning district include a verified statement, signed by an appropriate county official, that the project is in compliance with any supplemental county ordinances, county subdivision standards, and other rules.

The intent of this measure is to assure that properties, divided through the CPR process, can be required to assure that necessary infrastructure (roads, water and sewer lines) are available. However, dividing a property through the CPR process does not add to or impact infrastructure requirements. A property cannot be developed via the CPR process beyond the underlying zoning, use and permitting process already designated by the County.

CPR's are a legal mechanism by which additional owners can be added to title to a property. It is not a process of development. Furthermore, the CPR process does not allow for additional structures beyond what the subject property is already entitled for and it does not create additional density. Moreover, it does not authorize any new or additional uses permitted on the property.

Given the above, HAR believes that this legislation is not necessary at this time. Moreover, if enacted, it would take away an owner's exiting rights to exercise control over his property, without creating any meaningful benefit to the counties.

Mahalo for the opportunity to testify on this measure.

**SB-2524-SD-1**

Submitted on: 3/20/2018 7:56:05 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ben Walin	Individual	Oppose	No

Comments:

I am in strong opposition of this proposed Bill for the following reasons.

It will remove housing oppotunities. WE need housing for our families.

The taking of this right is economically crushing to families on Ag land that will lose their ability to create financial oppotunities for themselves and the state as a whole. It is also not fair to AG land owners and potetially a cause for litagation against the state.

The County of Maui zoning and building codes controls the use and development of AG land already. Maui should be excluded from this bill.

We dont need this additional legislation that will put another strangle hold on new housing development and add cause economic hardship on our citizens.

Ben Walin

**SB-2524-SD-1**

Submitted on: 3/20/2018 7:57:41 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Abe Lee	Abe Lee Development	Oppose	No

Comments:

Good morning. I have been a teacher for real estate agents for continuing education and prelicense courses since 1980 and have taught thousands of students. I have been a small real estate developer since 1979 and have developed over 150 small projects and created affordable housing units in single family home and apartment building conversions. My firm has created hundreds of units for first time buyers. This bill will be very detrimental or even stop what I do as a developer of affordable homes. For example, I converted 13 existing homes at 45-906B Anoi Road in Kaneohe. 12 of the 13 homes were sold to first time home owners and 7 of the 13 homes were sold to tenants who never dreamed of owning their own home. If this bill passes, I could not do the conversion because the subdivision rules would have been impossible to follow. I converted 4 homes at 164, 164A, 170, 170A Hauola Avenue in Wahiawa into single family condominium homes. All 4 homes were sold to first time home owners and we sold the homes at below market prices. This project would be almost impossible with the pending law. We need affordable housing and this law will stop us developers from creating affordable housing. Thank you very much and I sincerely hope that this bill will not pass.

**SB-2524-SD-1**

Submitted on: 3/20/2018 8:11:18 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonathan Erickson	Individual	Oppose	No

Comments:

Homes on the Westside of Maui are extremely expensive.

CPR'ing is the only way for middle class families to reasonably afford a home on the westside of Maui. Without CPR'ing, agricultural properties on Maui will increasingly fall into the hands of extremely wealthy non-residents for use as vacation homes because they will be the only ones able to afford it. These vacation homes sit empty for 10+ months of the year and are not a good use of valuable agricultural land. Non-cpr'd Homes on agricultural land on the west side of Maui sell for between \$4 million and \$10 million. A CPR' d Ohana can be purchased for between \$1million and \$ 1.7 million, making it possible for resident middle class families to stretch and actually own a home in a good neighborhood.

Why would you want to take away the last remaining vehicle for local, middle class families to own a home on Maui's Westside? Do you really want Maui to be owned exclusively by extremely wealthy non-residents?

While this land use proposal may make sense on other islands, it makes absolutely no sense on the island of Maui, it will just make homeownership completely unattainable for Maui's middle class.

Thank you for taking the time to read this testimony.

**SB-2524-SD-1**

Submitted on: 3/20/2018 8:17:28 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
CJ Halladay	Individual	Oppose	No

Comments:

Aloha Chair Yamane and Vice Chair Todd,

I am testifying **IN STRONG OPPOSITION** to Senate Bill 2524 SD1 which requires Condominium Property Regimes (“CPR”) to comply with county subdivision requirements. Allows the Real Estate Commission to adopt rules that require a developer to seek County Council approval for significant projects. Requires agricultural lands that are subdivided and leased for agricultural uses or activities to comply with county subdivision standards. **This will only drive up development costs which the new owner will have to absorb in addition to the already inflated prices of our costly real estate here in Hawaii.**

CPR is a legal mechanism by which a person can hold title to a property. CPR is a form of ownership and **not a process of development.**

CPR does NOT affect: use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. None of those things change during or after a property has been CPR'd. A property cannot be developed via the CPR process beyond the underlying zoning, use and permitting process already designated by the State and County. The CPR process does not allow for additional structures beyond what a property is entitled for. The CPR process does not allow for more density than what already exists. The CPR process does not change the uses permitted on the property. The only change is in how possession is held. Matter of fact all improvements on the parcel and within the project must be conforming to County ordinances to be approved. Further, no additional dwellings or improvements can be be permitted within a CPR until ALL existing or proposed improvements meet County code and pass inspection.

There is no nexus for County Council approval requirements. A CPR does NOT change any of the County's oversight already granted and approved via zoning and any additional requirements. The County's jurisdictional oversight already exists on these properties via zoning and permitting. This bill is attempting to put subdivision and development requirements on the CPR vehicle that's only means and use is a splitting of title which has nothing to do with neither County Council nor subdivision requirements.

**Please do not pass this bill. It will only drive up the price of real estate further and price more people out of the market.**

Mahalo for the opportunity to testify on this measure.

CJ Halladay, RB-18908

808-652-0746

**SB-2524-SD-1**

Submitted on: 3/20/2018 8:28:58 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carter Barto	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE SB2524 SD1 for the following reasons:

1. **ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii. This Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.

2. **DISCRIMINATORY AND UNLAWFUL:** Senate Bill 2524 is discriminatory in that the Bill would disproportionately affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.

3. **DAMAGES LOCAL ECONOMY, ELIMINATES REAL ESTATE INDUSTRY JOBS, AND REDUCES STATE AND COUNTY TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.

4. **CREATES AN UNFUNDED MANDATE:** The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and understaffed county departments, as well as the State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.

5. **ILLOGICAL AND UNENFORCEABLE:** Senate Bill 2524 appears to be based on a **FUNDAMENTAL MISUNDERSTANDING** of the Law that it seeks to amend, as Condominium Property Regimes (“CPRs”) are **NOT** subdivisions because they do **NOT** create separate parcels. As such, a CPR does **NEVER** affects a property’s use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. A CPR is a **FORM OF OWNERSHIP** and **NOT** a process of “development.” As such, county subdivision requirements **CANNOT** be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible.

6. **UNNECESSARY AND REDUNDANT:** The proposed Bill unfairly targets the CPR process, which is already authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for **ALL** parcels. Strengthening State/county zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting land use, zoning, density, permitting/building codes, community plans, island plans, and urban growth boundaries, **NOT** further additions to the complex statewide CPR registration process already in place.

7. **THE COUNTY OF MAUI MUST BE EXEMPTED:** The County of Maui must be summarily exempt from this legislation because **MAUI COUNTY’S ZONING, BUILDING, AND DEVELOPMENT CODES ALREADY FULLY ADDRESS THE INTENT OF SENATE BILL 2524**. Maui County codes clearly stipulate that each agriculturally zoned parcel, **REGARDLESS OF SIZE**, may qualify for permits to build **NO** more than two (2) farm dwellings, **AFTER** implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for all parcels, regardless of zoning, with more than 3-dwellings. As such, the issues of infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui. Other counties (such as the City and County of Honolulu) that wish to regulate or “participate in the CPR process” should do so by strengthening and enforcing their county zoning and building codes.



**SB-2524-SD-1**

Submitted on: 3/20/2018 8:38:27 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eddie Domingo Jr	Century 21 iProperties Hawaii	Oppose	No

Comments:

Aloha and good morning,

I am a real estate agent and have been for 6 months so far. Abe Lee is my teacher and mentor in this new career path that I have chosen and I look up to him very much. He has taught thousands of agents and I feel that he is the most knowledgeable developer we have in the state. From my teachings and knowledge gained about real estate so far, this bill will be very detrimental to development of homes, many of which are affordable. We need affordable housing and this law will stop us from creating affordable housing. Respectfully, I strongly Oppose the passing of this bill.

Mahalo

**SB-2524-SD-1**

Submitted on: 3/20/2018 8:43:08 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tamara Barto	Individual	Oppose	No

Comments:

Dear Sirs,

We STRONGLY OPPOSE SB2524 SD1 for the following reasons:

1. **ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii. This Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.

2. **DISCRIMINATORY AND UNLAWFUL:** Senate Bill 2524 is discriminatory in that the Bill would disproportionately affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.

3. **DAMAGES LOCAL ECONOMY, ELIMINATES REAL ESTATE INDUSTRY JOBS, AND REDUCES STATE AND COUNTY TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.

4. **CREATES AN UNFUNDED MANDATE:** The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and under-staffed county departments, as well as the State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.

5. **ILLOGICAL AND UNENFORCEABLE:** Senate Bill 2524 appears to be based on a **FUNDAMENTAL MISUNDERSTANDING** of the Law that it seeks to amend, as Condominium Property Regimes (“CPRs”) are **NOT** subdivisions because they do **NOT** create separate parcels. As such, a CPR does **NEVER** affects a property’s use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. A CPR is a **FORM OF OWNERSHIP** and **NOT** a process of “development.” As such, county subdivision requirements **CANNOT** be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible.

6. **UNNECESSARY AND REDUNDANT:** The proposed Bill unfairly targets the CPR process, which is already authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for **ALL** parcels. Strengthening State/county zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting land use, zoning, density, permitting/building codes, community plans, island plans, and urban growth boundaries, **NOT** further additions to the complex statewide CPR registration process already in place.

7. **THE COUNTY OF MAUI MUST BE EXEMPTED:** The County of Maui must be summarily exempt from this legislation because **MAUI COUNTY’S ZONING, BUILDING, AND DEVELOPMENT CODES ALREADY FULLY ADDRESS THE INTENT OF SENATE BILL 2524.** Maui County codes clearly stipulate that each agriculturally zoned parcel, **REGARDLESS OF SIZE**, may qualify for permits to build **NO** more than two (2) farm dwellings, **AFTER** implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for all parcels, regardless of zoning, with more than 3-dwellings. As such, the issues of infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly

addressed by the County of Maui. Other counties (such as the City and County of Honolulu) that wish to regulate or “participate in the CPR process” should do so by strengthening and enforcing their county zoning and building codes.

Sincerely,

Tamara Barto

Kula Maui Hi

**SB-2524-SD-1**

Submitted on: 3/20/2018 8:43:35 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
logan freitas	Individual	Oppose	No

Comments:

aloha,

i have been in real estate for 3 years under the tutelage of Abe Lee. Together we have found a creative way to create affordable housing for local families who desperately need the help. As we know, the shortage of housing is at a critical level here in Hawaii. Furthermore, major developer continue to build for profit projects that do nothing for most working class families.

I encourage you to sit down with me and look at my Keeping Hawaii Home initiative I have created to allow families like those above a real shot at staying in the islands on their dime. Making Condo Property Regimes unattainable with hurt a market that relies purely on a small developer with his heart in the right place, and the best part is it doesn't rely at all on government funding.

I spearheaded a project in Wahiawa that included 4 existing homes on Hauola Ave. we were able to create 4 individual units (164, 164A, 170, 170A) and sell that at under market value, basing the prices off of a low appraisal. Best part was that the 4 families we were able to help were Owner-occupants and First-time Homebuyers. If CPRs go away, this is not possible.

Please feel free to contact me on more info of how I use CPRs to help families desperate for affordable housing in Hawaii. I am very passionate about the subject being a young Hawaiian myself that has to watch many of his friends and family move to the west coast. My number is 8082845585 and email is loganfreitas1@gmail.com. Thanks for your time, and I hope you do the right thing. Aloha and Mahalo

**SB-2524-SD-1**

Submitted on: 3/20/2018 9:20:59 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Becky Hanna	Individual	Oppose	No

Comments:

As a resident and Realtor Broker, I STRONGLY Oppose SB2524.

The County of Maui needs as much affordable land for our local community. CPR's make the smaller units more affordable for the much needed housing on Maui. Please consider the local community when making your decision.

Thanking you in advance.

Respectfully submitted.

Becky Hanna

**SB-2524-SD-1**

Submitted on: 3/20/2018 9:22:16 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Barto	Individual	Oppose	No

Comments:

Dear Sirs,

I STRONGLY OPPOSE SB2524 SD1 for the following reasons:

1. **ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii. This Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.

2. **DISCRIMINATORY AND UNLAWFUL:** Senate Bill 2524 is discriminatory in that the Bill would disproportionately affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.

3. **DAMAGES LOCAL ECONOMY, ELIMINATES REAL ESTATE INDUSTRY JOBS, AND REDUCES STATE AND COUNTY TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.

4. **CREATES AN UNFUNDED MANDATE:** The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and under-

staffed county departments, as well as the State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.

5. **ILLOGICAL AND UNENFORCEABLE:** Senate Bill 2524 appears to be based on a **FUNDAMENTAL MISUNDERSTANDING** of the Law that it seeks to amend, as Condominium Property Regimes (“CPRs”) are **NOT** subdivisions because they do **NOT** create separate parcels. As such, a CPR does **NEVER** affects a property’s use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. A CPR is a **FORM OF OWNERSHIP** and **NOT** a process of “development.” As such, county subdivision requirements **CANNOT** be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible.

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7. **THE COUNTY OF MAUI MUST BE EXEMPTED:** The County of Maui must be summarily exempt from this legislation because **MAUI COUNTY’S ZONING, BUILDING, AND DEVELOPMENT CODES ALREADY FULLY ADDRESS THE INTENT OF SENATE BILL 2524.** Maui County codes clearly stipulate that each agriculturally zoned parcel, **REGARDLESS OF SIZE**, may qualify for permits to build **NO** more than two (2) farm dwellings, **AFTER** implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for all parcels, regardless of zoning, with more than 3-dwellings. As such, the issues of infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui. Other counties (such as the City and County of Honolulu) that wish to regulate or “participate in the CPR process” should do so by strengthening and enforcing their county zoning and building codes.

Sincerely,



Eric Barto

Kula Maui Hawaii

Recipient: HOUSE COMMITTEE ON WATER AND LAND: REP. RYAN I. YAMANE, CHAIR  
and REP. CHRIS TODD, VICE CHAIR

Letter: Greetings,

HEARING ON SB2524 SD1 (2018): Wednesday, March 21, 2018, at 10:15 a.m.  
TESTIMONY OF OVER 350 HAWAII RESIDENTS STRONGLY OPPOSING SB2524  
SD1 (IT IS REQUESTED THAT THE COMMITTEE COUNT EACH SIGNATURE AS  
SEPARATE INDIVIDUAL TESTIMONY OPPOSING SB2524)

To the House Committee on Water and Land:

Each of the undersigned individuals STRONGLY OPPOSE SB2524 SD1 for one  
or more of the following reasons:

1. **ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii. This Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.
2. **DISCRIMINATORY AND UNLAWFUL:** Senate Bill 2524 SD1 is discriminatory in that the Bill would disproportionately affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land (which could result in litigation against the State for just compensation).
3. **DAMAGES LOCAL ECONOMY, ELIMINATES REAL ESTATE INDUSTRY JOBS, AND REDUCES STATE AND COUNTY TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.
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State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.

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# Signatures

Name	Location	Date
Jakob Wormser	Kahului, HI	2018-03-13
Cassandra Jones	Haiku, HI	2018-03-13
Demian Dressler	Kihei, HI	2018-03-13
Jamil Newirth	Makawao, HI	2018-03-13
amber villaire	haleiwa, HI	2018-03-13
Lucy Wormser	Haiku, HI	2018-03-13
Gail Pickholz	Makawao, HI	2018-03-14
Terese Wormser	Haiku, HI	2018-03-14
Jennifer Isaac	Mt Pleasant, SC	2018-03-14
JON INWOOD	Brooklyn, NY	2018-03-14
Steven Wormser	Waipahu, HI	2018-03-14
Jeremy Stice	Lahaina, HI	2018-03-14
evangeline jones	haiku, HI	2018-03-14
Dave Futch	Haiku, HI	2018-03-14
David Johnson	Makawao, HI	2018-03-14
lawrence carnicelli	Wailuku, US	2018-03-14
Ali Linder	Lahaina, HI	2018-03-14
Sarah Schmidt	Makawao, HI	2018-03-14
Mino Mclean	Kula, HI	2018-03-14
Crystal Papritz	Paia, HI	2018-03-14

<b>Name</b>	<b>Location</b>	<b>Date</b>
KeakaAwalau Sardine	Haiku, HI	2018-03-14
Randy Keller	Kula, HI	2018-03-14
Michelle Hollingsworth	Lahaina, HI	2018-03-14
Steve Ulene	Makawao, HI	2018-03-14
Ray Cook	Chesterfield, MO	2018-03-14
Kathleen Hogarty	Waipahu, HI	2018-03-14
Scott Ebsen	Santa Cruz, CA	2018-03-14
Naomi Newirth	Haiku, HI	2018-03-14
Leona Arensberg Coffin	Kula, HI	2018-03-14
patty sadler	Makawao, HI	2018-03-14
sally bumpus	Paia, HI	2018-03-14
Brook Starr	Makawao, HI	2018-03-14
Leo Arensberg Jr	Haiku, HI	2018-03-14
Ronald Howlett	Pukalani, HI	2018-03-14
david linn	Turlock, CA	2018-03-14
Ann Averbach	Honolulu, HI	2018-03-14
john eckhart	Wailuku, HI	2018-03-14
Cassandra Wylie	Pahoa, HI	2018-03-14
Peter Hamill	Wailuku, HI	2018-03-14
Scott Swartz	Honolulu, HI	2018-03-14
Aldei Gregoire	Haiku, HI	2018-03-14
Montez Picou	Kihei, HI	2018-03-14

<b>Name</b>	<b>Location</b>	<b>Date</b>
Shawn McLaughlin	Lahaina, HI	2018-03-14
Camila Wai	haiku, HI	2018-03-14
Susan DeLoria	Lahaina, HI	2018-03-14
Diane Bakker	Lahaina, HI	2018-03-14
Carolina Dantoni	Mar del Plata, Argentina	2018-03-14
Jessica Flores	US	2018-03-14
Daniel He	US	2018-03-14
Caleb Williams	US	2018-03-14
Victoria Girvan	US	2018-03-14
Rebecca Brooking	Michigan	2018-03-14
Samuel Plemons	US	2018-03-14
David Martin	US	2018-03-14
Mark Marchello	Lahaina, HI	2018-03-15
Andy Marchello	Honolulu, HI	2018-03-15
Isaac Friedman	Kula, HI	2018-03-15
Cynthia Warner	Kula, HI	2018-03-15
Becky Hanna	Makawao, HI	2018-03-15
Patricia Cadiz	Paia, HI	2018-03-15
Elisse Deleissegues	Haiku, HI	2018-03-15
Debbie Arakaki	Lahaina, HI	2018-03-15
Nancy Montoya	Lahaina, HI	2018-03-15
Douglas Poseley	Lahaina, HI	2018-03-15

<b>Name</b>	<b>Location</b>	<b>Date</b>
Ruth Salazar	US	2018-03-15
Chang Xiong	US	2018-03-15
Rowan Livengood	US	2018-03-15
Jerry Tichy	Lahaina, HI	2018-03-15
Dylan Vanek	US	2018-03-15
Jessica Collins	US	2018-03-15
Lavene Lewis	Las Vegas, NV	2018-03-15
Zachery Sisco	US	2018-03-15
Crystal Fox	US	2018-03-15
Valerie Mezs	US	2018-03-15
Steven Cromwell	US	2018-03-15
Sarah Luna	US	2018-03-15
Karen Cooper	US	2018-03-15
Samantha Pfeffer	US	2018-03-15
Catherine Miller	US	2018-03-15
BJ Scheidegger	US	2018-03-15
Amber Gurgens	US	2018-03-15
rivky weiss	US	2018-03-15
Martin Cooper	Kahului, HI	2018-03-15
Christyl Nagao	Koloa, HI	2018-03-15
Steve Cole	Kilauea, HI	2018-03-15
Kenneth M. Hayo	Makawao, HI	2018-03-15

<b>Name</b>	<b>Location</b>	<b>Date</b>
Lynn Sharp	Brea, CA	2018-03-15
Aileen Payne	Honolulu, HI	2018-03-15
Leo Arensberg	Haiku, HI	2018-03-15
Louis Shields	Lahaina, HI	2018-03-15
Sylvia Singh	San Rafael, CA	2018-03-15
Rachael Taft	Makawao, HI	2018-03-15
Eric King	Kilauea, HI	2018-03-15
Anne-Marie Forsythe	Makawao, HI	2018-03-15
Diane Burr	Makawao, HI	2018-03-15
angie young	Makawao, HI	2018-03-15
Dawn Shields Dawn Shields	Seattle, WA	2018-03-15
Pamela Reader	Lahaina, HI	2018-03-15
Todd Erickson	Salt Spring Island, B.C., Canada	2018-03-15
Lowary Barrett	US	2018-03-15
Staria Blackman	US	2018-03-15
Nicole Caporusso	US	2018-03-15
Lexa Fisher	US	2018-03-15
ROBERT HIPPI	US	2018-03-15
Gregory Perkins	US	2018-03-15
Lillian Mokey	US	2018-03-15
Giselle Holland	US	2018-03-15
alfred torres	US	2018-03-15



<b>Name</b>	<b>Location</b>	<b>Date</b>
Lauren Williams	US	2018-03-15
Sheila Bour	US	2018-03-15
Kaitlyn Brace	US	2018-03-15
Jennifer Flores	US	2018-03-15
Teri Grace	US	2018-03-15
Lizbeth Guzman	US	2018-03-15
daniel Miller	US	2018-03-15
Sean Burnette	US	2018-03-15
Fei Fei	US	2018-03-15
Christopher Hrebenak	US	2018-03-15
James Bianchet	US	2018-03-15
Wilson Espinal	US	2018-03-15
RedElisa Mendoza	Miami, FL	2018-03-15
Susan Waters	US	2018-03-15
Rachel Reynoso	US	2018-03-15
John Koegel	US	2018-03-15
Karen Russo	US	2018-03-15
Lenore Millspaugh	US	2018-03-15
Korbin Higley	US	2018-03-15
Mike hinshaw	US	2018-03-15
Ethan Velasquez	US	2018-03-15
Elizabeth Romero	US	2018-03-15

<b>Name</b>	<b>Location</b>	<b>Date</b>
Josefa V. Flors Roig	US	2018-03-15
Yinjuan Lian	US	2018-03-15
Carlos Cooksey	US	2018-03-15
Jonathan Brewer	US	2018-03-15
Katherine Barbas	US	2018-03-15
ANAHY ANTARA	US	2018-03-15
Maddy Dow	US	2018-03-15
Allison Pace	US	2018-03-15
mara wi	US	2018-03-15
Diana Dorantes	US	2018-03-15
Lizzy Yingling	US	2018-03-15
Amy Posch	US	2018-03-15
Kayleigh Beaman	US	2018-03-15
nadia lavette	US	2018-03-15
Yvonne Grady	US	2018-03-15
Jenci Moore	US	2018-03-15
Nina Ponce	US	2018-03-15
deanna davis	Kahului, HI	2018-03-15
Edward MacDowell	Honolulu, HI	2018-03-15
Amy Wisthoff-Martin	Lahaina, HI	2018-03-15
Romy Jacobson	Waikoloa Village, HI	2018-03-15
Linda Salem	Lahaina, HI	2018-03-15

<b>Name</b>	<b>Location</b>	<b>Date</b>
Adam Schroder	Honolulu, HI	2018-03-15
Kelly O'Kief	Paia, HI	2018-03-15
Erin Wooldridge	Paia, HI	2018-03-15
Susan Leininger	Koloa, HI	2018-03-15
Anne Carter	Kula, HI	2018-03-15
Emma Barrett barrett	Australia	2018-03-15
Anne Eliason	Princeville, HI	2018-03-15
Sam Utlej	Haiku, HI	2018-03-16
Joel Richman	HAIKU, HI	2018-03-16
Lloyd Potts	Lahaina, HI	2018-03-16
Jill Bernshouse	Costa Mesa, CA	2018-03-16
Kimi Correa	Kailua, HI	2018-03-16
Don Harris	Lahaina, HI	2018-03-16
Vincent mina	Wailuku, HI	2018-03-16
Suzanne Lanting	Waipahu, HI	2018-03-16
Jacob Freeman, P.E.	Kihei, HI	2018-03-16
Jennifer Brittin	Kahului, HI	2018-03-16
Steve sadler	Pukalani, HI	2018-03-16
ralf sifford	Makawao, HI	2018-03-16
Kelly Swanson	Makawao, HI	2018-03-16
Jeanne Wheeler	Kaneohe, HI	2018-03-16
Alex Marcelli	Haiku, HI	2018-03-16

<b>Name</b>	<b>Location</b>	<b>Date</b>
Joanne Tice	Waipahu, HI	2018-03-16
Robin Vega	Lahaina, HI	2018-03-16
Klaus Simmer	Makawao, HI	2018-03-16
Patrick Chandler	Honolulu, HI	2018-03-16
Matias Ricci	Kihei, HI	2018-03-16
Sandra Rausch	Lahaina, HI	2018-03-16
Evan Ryan	Makawao, HI	2018-03-16
John Kenton	Lahaina, HI	2018-03-16
Jeremy Fewell	Lahaina, HI	2018-03-16
Ronny Radicalus	Rotterdam, Netherlands	2018-03-16
Bodhi Be	Haiku, HI	2018-03-16
Franz Muellegger	Germany	2018-03-16
Stewart Goldstein	Delray Beach, FL	2018-03-16
Joshua Stone	Makawao, HI	2018-03-16
Taylor Wilson	Vernon, Canada	2018-03-16
Andrew Grier	Haiku, HI	2018-03-16
Jackson Mosher	Kula, HI	2018-03-16
Tad Archer	Haiku, HI	2018-03-16
Brian Davis	Los Angeles, CA	2018-03-16
william fagan	Wailuku, HI	2018-03-16
kurt magness	Santa Barbara, CA	2018-03-16
William Siphers	Haiku, HI	2018-03-16

<b>Name</b>	<b>Location</b>	<b>Date</b>
Keith Christie	Haiku, HI	2018-03-16
Molly Rasmussen	Lahaina, HI	2018-03-16
Douglas Miller	Kula, HI	2018-03-16
Roger Thorson	Makawao, HI	2018-03-16
Dean Frampton	Makawao, HI	2018-03-16
Heleena Oliveira	Haiku, HI	2018-03-16
Michael Leake	Makawao, HI	2018-03-16
Chris Parker, PE	Makawao, HI	2018-03-16
Eduardo Bello	Maui, HI	2018-03-16
Ronny Raducalus	Netherlands	2018-03-16
Eduardo A. Gandolfo	Kihei, HI	2018-03-16
Bennett Walin	Kula, HI	2018-03-16
Gavin Ferguson	Kula, HI	2018-03-16
Dylan Payne	Lahaina, HI	2018-03-16
Luba Kovrigina	Riga, Latvia	2018-03-16
Alexa Hatton	Makawao, HI	2018-03-16
Frederick Hidalgo	Lahaina, US	2018-03-16
Ryan Holtom	WOODINVILLE, WA	2018-03-16
Amanda Cantor	Kahului, HI	2018-03-16
Deanna Ferguson	Kula, HI	2018-03-16
charles Buckingham	Newport Beach, CA	2018-03-16
David Slater	North vancouver, Canada	2018-03-16

<b>Name</b>	<b>Location</b>	<b>Date</b>
peter martin	Haiku, HI	2018-03-16
Jeffrey Lundahl	Paia, HI	2018-03-16
Sam Vessel	Makawao, HI	2018-03-16
Kristin Boese	Wailuku, HI	2018-03-16
Patri McLaughlin	Kihei, HI	2018-03-16
Jennifer Schettewi	Paia, HI	2018-03-16
Garrett Lisi	Makawao, HI	2018-03-16
Héctor Vera García	Las Palmas, Spain	2018-03-16
Peter Haakon Boa	Skanderborg, Denmark	2018-03-16
Darcy Ledesma	Austin, TX	2018-03-16
Kristen Starr	McKinleyville, CA	2018-03-16
Joseph Jalbert	Makawao, HI	2018-03-16
sally johnston	makawao, HI	2018-03-16
Ray Woodward	Kihei, HI	2018-03-16
Brett Christiansen	Paia, HI	2018-03-16
Vern Wichers	Haiku, HI	2018-03-16
linda paul	Satellite Beach, FL	2018-03-16
Kristen Payne	Lahaina, HI	2018-03-17
Edmond Ktafchow	Maui, HI	2018-03-17
Keith Powers	Kula, HI	2018-03-17
Gary Meola	Paia, HI	2018-03-17
Marc Emde	Isleton, CA	2018-03-17

<b>Name</b>	<b>Location</b>	<b>Date</b>
Patrick Mullen	Haiku, HI	2018-03-17
Petra Kreuzwieser	Austria	2018-03-17
James Bickford	Makawao, HI	2018-03-17
Mie Blomgren Lauritzen	Copenhagen, Denmark	2018-03-17
Billy Jalbert	Paia, HI	2018-03-17
Matt Pritchard	Haiku, HI	2018-03-17
Peter.com Lord	Shawnee, KS	2018-03-17
Irene McPhee	Lahaina, HI	2018-03-17
Thomas D. Welch Jr. Welch	Haiku, HI	2018-03-17
Ricky Wright	St Simons Island, GA	2018-03-17
Michael Ayson	Kaneohe, HI	2018-03-17
Cassidy Lum	Honolulu, HI	2018-03-17
Evans Smith	Hilo, HI	2018-03-17
Teresa Olson	Havre, MT	2018-03-17
Ian Hollingsworth	Lahaina, HI	2018-03-17
Mark La Turner	Haiku, HI	2018-03-17
Jonathan Isenberg	Honolulu, HI	2018-03-17
Clayton Matchett	Kula, HI	2018-03-17
Michael Reid	Lahaina, HI	2018-03-17
Beth Miracle	Haiku, HI	2018-03-17
Floyd Rillefstad	Maple Valley, WA	2018-03-17
Tanu Reddi Reddi	New York, NY	2018-03-17

<b>Name</b>	<b>Location</b>	<b>Date</b>
Tyler Pearce	Lockport, NY	2018-03-17
Anne Barber	Haiku, HI	2018-03-17
Janet Anderson-Pung	Makawao, HI	2018-03-17
Lu Morano	Walla Walla, WA	2018-03-17
Shepherd Nelson	Kula, HI	2018-03-17
Thomas Griffith	US	2018-03-17
Joe Bobrow	Sherman Oaks, CA	2018-03-17
jo ann LEWINSKA	US	2018-03-17
Kyle Weldon	Kula, HI	2018-03-17
Sarah Gontoski	Kula, HI	2018-03-17
David Wolf	Kula, HI	2018-03-18
Erick Aversa	Fairfield, CA	2018-03-18
Bruce U'u	Paia, HI	2018-03-18
Erin Mitchell	Portland, OR	2018-03-18
Meredith Shansky	Hamtramck, MI	2018-03-18
Katie Naishktnaish	San Francisco, CA	2018-03-18
Linda Spitz	Tustin, CA	2018-03-18
Ben Mead	Keaau, HI	2018-03-18
Gert Lauritsen	Frederikssund, Denmark	2018-03-18
Scott Corcoran	McKinney, TX	2018-03-18
Dennis DeMase	Palm Beach Gardens, FL	2018-03-18
John Nijenhuis	Sassenheim, Netherlands	2018-03-18



<b>Name</b>	<b>Location</b>	<b>Date</b>
Meli King	Kihei, HI	2018-03-19
Dawn Hudson	Holokai, HI	2018-03-19
Adam Casey	US	2018-03-19
Paquita Peters	US	2018-03-19
Josh Jerman	Haiku, HI	2018-03-19
Donald McGean	Kahului, HI	2018-03-19
Lani Galetto	Haiku, HI	2018-03-19
Patrick Franta	Makawao, HI	2018-03-19
Brian Toker	Honolulu, HI	2018-03-19
Dale Richardson	Kihei, HI	2018-03-19
John Barbier	Lahaina, HI	2018-03-19
Tracy Stice	Haiku, HI	2018-03-19
Cynthia Greenwell	Kihei, HI	2018-03-19
Dylan Davidson	Makawao, HI	2018-03-19
Melissa Newirth	Haiku, HI	2018-03-19
Teresa Adams	Lahaina, HI	2018-03-19
Roy Migita	Seattle, WA	2018-03-19
Mike Adrian	Paia, HI	2018-03-19
Tina Bair	Paia, HI	2018-03-19
Michele Parker	KULA, HI	2018-03-19
Phil deCarion	Laguna Beach, CA	2018-03-19
Kenny Luu	US	2018-03-19

<b>Name</b>	<b>Location</b>	<b>Date</b>
Douglas Salisbury	Riverside, CA	2018-03-19
Michael Adams	US	2018-03-19
Dianne Miller	US	2018-03-19
Chuck Naturale	Miami, FL	2018-03-19
Nick Sieders	US	2018-03-19
Tammy Bossom	Kearney, NE	2018-03-19
Cutie Cat	US	2018-03-19
Martin Henzley	US	2018-03-19
Jessica Jung	US	2018-03-19
vicki mckenna	US	2018-03-19
Alma Jones	US	2018-03-19
Saul Paredes	US	2018-03-19
Jaycee Huffman	US	2018-03-19
Kate Cheney	Wailuku, HI	2018-03-19
Elizabeth Beyer-Partin	US	2018-03-19
Roberta Rini	US	2018-03-19
Barbara Frisina	US	2018-03-19
Stephen Duarte	Pukalani, HI	2018-03-19
Angelynn Bair	Haiku, HI	2018-03-19
Steve Parker	Kula, HI	2018-03-19
pascal benoist	haiku, HI	2018-03-20
Jenny Hudson	Wailuku, HI	2018-03-20

<b>Name</b>	<b>Location</b>	<b>Date</b>
Joel Friedman	Kula, HI	2018-03-20
Jeff grundhauser	Makawao, HI	2018-03-20
Anthony Sayles	Haiku, HI	2018-03-20
Erin Haywood	Kihei, HI	2018-03-20
ALICE JORDAN	Wailuku, HI	2018-03-20
Linda Briske	Kula, HI	2018-03-20
Diane Hatchett	US	2018-03-20
Brendan O'Colmain	Makawao, HI	2018-03-20
Andrea Fyock	US	2018-03-20
Robin Vajda	US	2018-03-20
Ellen and David Ernisse	Lahaina, HI	2018-03-20
tom lloyd	Kula, HI	2018-03-20
Guida Anderson	Wailuku, HI	2018-03-20
Kimo Haynes	Kahului, HI	2018-03-20
David Mayer	Sandy, TX	2018-03-20
Leah Damon	Kula, HI	2018-03-20
Robin Stone	Santa Cruz, CA	2018-03-20
Martin Verrastro	Lahaina, HI	2018-03-20
Teresa Nelle	Lahaina, HI	2018-03-20
Victor Castillo	US	2018-03-20
Wendy shyer sayles	Kihei, HI	2018-03-20
Heidi Bigelow	Haiku, Maui, HI	2018-03-20

<b>Name</b>	<b>Location</b>	<b>Date</b>
Ricardo Ralha	Kihei, HI	2018-03-20
Lowen Okamoto	Kahului, HI	2018-03-20
Kayla Mccracken	Kula, HI	2018-03-20
William Wittman	La Habra, CA	2018-03-20
Skip Redford	San Diego, CA	2018-03-20

# Comments

Name	Location	Date	Comment
Cassandra Jones	Haiku, HI	2018-03-13	The majority of habitable land on our island is Ag zoned. If you support affordable housing, please read, sign, and share. You'll be doing the due diligence that those who drafted this nonsensical bill failed to do.
Mino Mclean	Kula, HI	2018-03-14	I am an agricultural land owner and feel this reduces the potential use for my property
patty sadler	Makawao, HI	2018-03-14	There is no direct impact as far was density with an AG CPR and it allows numerous people who live and work her to be able to get into the real estate market here on Maui. It is un affordable for most people to get their foot in the door to own a home here on the island.
sally bumpus	Paia, HI	2018-03-14	i support providing affordable real estate
Ronald Howlett	Pukalani, HI	2018-03-14	Ronald Howlett
Cassandra Wylie	Pahoa, HI	2018-03-14	It's the right thing to do!
Camila Wai	haiku, HI	2018-03-14	I cant believe the county is doing this to local people. why would you do this to your own people?
Shawn McLaughlin	Lahaina, HI	2018-03-14	I have legally cpr'd my property for greater farming potential.I am very surprised this Bill is sneaking by without public hearings?
Rebecca Brooking	Michigan	2018-03-14	I live on Maui and now how critical it the affordable housing situation has become.
Patricia Cadiz	Paia, HI	2018-03-15	I'm concerned about young people having access to own property in the state in which they were born. I believe CPRs offer an affordable avenue for ownership
Nancy Montoya	Lahaina, HI	2018-03-15	I believe that we have already allowed for legal CPR lots in may neighborhoods. I do not think it is fair to close the door on CPR's where they already exist.
Kaeli Ho	Lahaina, HI	2018-03-15	Keep the cpr ability for Maui county subdivisions that already exist. Maui has codes in action that keep the number of structures limited. The county does need to keep up with maintaining the integrity of the codes and require lot owners to keep their Ag plans intact on their parcels.
Jerry Tichy	Lahaina, HI	2018-03-15	This is just wrong. This bill would make the affordable home crisis even worse, deprives homeowners of making best use of their land, would result in less tax revenues, just wrong on so many levels.
Todd Erickson	Salt Spring Island, B.C., Canada	2018-03-15	This is the only way to make Maui housing more affordable.
Steve sadler	Pukalani, HI	2018-03-16	It's affordable housing for the most expensive state in the USA!

Name	Location	Date	Comment
Bodhi Be	Haiku, HI	2018-03-16	this is so discriminatory and unjust as well as making it harder for local small farmers.
Dean Frampton	Makawao, HI	2018-03-16	Please allow individual counties to address ag land issues on an island by island basis
Kristin Boese	Wailuku, HI	2018-03-16	The does not work for the island of Maui and needs to be completely re-considered.
Peter Haakon Boa	Skanderborg, Denmark	2018-03-16	I'm signing this petition, because my friend Josh Stone asked me to. I live in Denmark and have only been to Maui once. But reading through the petition it only makes sense to oppose this. Maui for rich & poor, big and small alike!
linda paul	Satellite Beach, FL	2018-03-16	Linda Paul
Keith Powers	Palo Alto, CA	2018-03-17	This would be very, very bad. The summary above describes all the reasons very concisely. Thx Jakob. 1. ELIMINATES AFFORDABLE HOUSING2. DISCRIMINATORY AND UNLAWFUL 3. DAMAGES ECONOMY AND REDUCES TAX REVENUES4. CREATES AN UNFUNDED MANDATE5. ILLOGICAL AND UNENFORCEABLE 6. UNNECESSARY AND REDUNDANT:7. NOT APPLICABLE TO THE COUNTY OF MAUI
Peter.com Lord	Shawnee, KS	2018-03-17	We oppose this bill, and are property owners on Maui.
Ian Hollingsworth	Lahaina, HI	2018-03-17	This would not help anybody or anything locally.
Anne Barber	Haiku, HI	2018-03-17	I just sold a CPR property on Ag land in Haiku. It allowed my buyer to find the perfect home for him, small size, acreage, perfect! We do not have enough homes on Maui, please keep on allowing CPRs on Ag properties, it allows buyers to get in our real estate market.
Erick Avena	Fairfield, CA	2018-03-18	Senate Bill 2524 doesn't appear to be in the best interest of the people of the great state of Hawaii. Let's stop it and then reassess the motivation and intent behind this bill.
Linda Spitz	Tustin, CA	2018-03-18	Linda Spitz
Patrick Franta	Makawao, HI	2018-03-19	This is an Oahu focused bill that will have statewide effects. They are trying to combat their zoning issues of Ag lands on Oahu with CPR restrictions statewide. This makes absolutely no sense. CPRing does not increase entitlements or create "increased pressure on infrastructure." Whoever wrote this Bill does not understand how it works.
Cynthia Greenwell	Kihei, HI	2018-03-19	The County of Maui already has strict rules that regulate CPRs. Oahu's issues with Ag Zoning should be handled within the County of Oahu. Further tightening of the supply of smaller, more affordable homes benefits no one!
Chuck Naturale	Miami, FL	2018-03-19	Time for this rip off to end if they could tax sunshine and the air we breath they would. Here's a good idea stop pissing away our money like drunken sailors and wasting it at every turn you politicians will not be happy until we pay 90% of our income in taxes

Name	Location	Date	Comment
Camila Wai	haiku, HI	2018-03-20	<p>By passing sb2524 bill you will be putting tons of families, realtors, etc in big financial distress. I remind you that the reason why this is not your reality is because ,us, local people gave you the opportunity to have a better lifestyle by allowing you to have the position you are currently holding. People spoke, people are opposed to this bill (sb2524), and yet, even thou the opposition to this is overwhelming it passed like nothing, as simple as that....I wonder how.....I am overwhelmed and disgusted by the intentions on taking the little that is left to the locals and Hawaiian people. When you do wrong it always comes back to you.To sum up I strongly disagree with banning Cpr on Ag land and I strongly suggest and beg to stop this bill immediately.Do what is right for the people.</p>
Teresa Nelle	Lahaina, HI	2018-03-20	I strongly oppose this bill.
Wendy shyer sayles	Kihei, HI	2018-03-20	WENDY shyer- sayles

**SB-2524-SD-1**

Submitted on: 3/20/2018 9:57:19 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JOEL RICHMAN	Individual	Oppose	No

Comments:

We STRONGLY OPPOSE SB2524 SD1 for the following reasons:

1. **ELIMINATES AFFORDABLE HOUSING:** We are experiencing an affordable housing crisis in Hawaii. This Bill will effectively wipe out one of the only means of creating new affordable housing for working class residents, farmers, and local families.

2. **DISCRIMINATORY AND UNLAWFUL:** Senate Bill 2524 is discriminatory in that the Bill would disproportionately affect agricultural landowners (especially small private landowners, farmers, and families) and borders on a “regulatory taking” because it unreasonably prevents private property owners from making economically viable use of their land, which could result in litigation against the State for just compensation.

3. **DAMAGES LOCAL ECONOMY, ELIMINATES REAL ESTATE INDUSTRY JOBS, AND REDUCES STATE AND COUNTY TAX REVENUES:** This Bill would have an extremely negative impact on our State economy in the form of reduced real estate sales, less affordable housing, millions of dollars in lost real property tax revenues from the separate tax assessment of CPR units, lost State income/GET/TAT tax revenue from the sale and rental of CPR units, and far reaching negative impacts on the entire real estate industry and local residents.

4. **CREATES AN UNFUNDED MANDATE:** The proposed legislation would create an unfunded mandate, putting an overwhelming burden on already overworked and understaffed county departments, as well as the State of Hawaii Real Estate Branch, who will be tasked with interpreting, implementing, and enforcing the new law.



5. **ILLOGICAL AND UNENFORCEABLE:** Senate Bill 2524 appears to be based on a **FUNDAMENTAL MISUNDERSTANDING** of the Law that it seeks to amend, as Condominium Property Regimes (“CPRs”) are **NOT** subdivisions because they do **NOT** create separate parcels. As such, a CPR does **NEVER** affects a property’s use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. A CPR is a **FORM OF OWNERSHIP** and **NOT** a process of “development.” As such, county subdivision requirements **CANNOT** be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible.

6. **UNNECESSARY AND REDUNDANT:** The proposed Bill unfairly targets the CPR process, which is already authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for **ALL** parcels. Strengthening State/county zoning ordinances, building codes, development standards, and enforcement of these rules are the only appropriate solutions for protecting land use, zoning, density, permitting/building codes, community plans, island plans, and urban growth boundaries, **NOT** further additions to the complex statewide CPR registration process already in place.

7. **THE COUNTY OF MAUI MUST BE EXEMPTED:** The County of Maui must be summarily exempt from this legislation because **MAUI COUNTY’S ZONING, BUILDING, AND DEVELOPMENT CODES ALREADY FULLY ADDRESS THE INTENT OF SENATE BILL 2524**. Maui County codes clearly stipulate that each agriculturally zoned parcel, **REGARDLESS OF SIZE**, may qualify for permits to build **NO** more than two (2) farm dwellings, **AFTER** implementation of farming activities on at least 51% of the property. This is why nearly all agricultural CPRs on Maui are only 2-units, regardless of parcel size. Furthermore, the County of Maui already requires subdivision-type infrastructure improvements for all parcels, regardless of zoning, with more than 3-dwellings. As such, the issues of infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui. Other counties (such as the City and County of Honolulu) that wish to regulate or “participate in the CPR process” should do so by strengthening and enforcing their county zoning and building codes.

**SB-2524-SD-1**

Submitted on: 3/20/2018 10:14:43 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
TYLER KIMURA	Individual	Oppose	No

Comments:

Aloha,

As a small business owner, real estate agent, investor and homeowners, I strongly oppose bill SB2524. Affordable housing in Hawaii has been an ever growing problem. Requiring CPR's to follow Subdivision rules will do more harm than good. Subdivision rules are costly and sometimes impossible. CPR's help in creating affordable housing for the local residents. This also has a negative impact on estate planning. Owners with large lots and multiple homes and owners of apartment buildings will eventually pass on their estate to their heirs. If the heirs have to pay taxes, they may have to liquidate the entire property. The CPR process allows them to sell portions of the estate to cover their taxes and expenses while allowing them to keep the majority of it for the long term. It also allows them to divide their property to multiple heirs to minimize conflicts after they pass on. This can cause much fighting amongst family members. This has been a growing problem with estate planning. Please stop this bill as it will cause much harm for the good people of Hawai'i nei. It should be about the people, not politics.

Warmest regards,

Tyler Kimura

**SB-2524-SD-1**

Submitted on: 3/20/2018 10:46:33 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jardine Serrao	Individual	Oppose	No

Comments:

I do not support SB2524 SD1. I am a parttime realtor. I am learning to do CPRs so as my Hawaiian family who are moving to the mainland to buy homes can stay in their homeland and buy in Hawaii. And this is a great way to create affordable homes.

Mahalo, Jardine J. K. Serrao

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March 20, 2018

The Honorable Ryan I. Yamane, Chair, and  
Members of the House Committee on Water & Land

WAL Hearing on Wednesday, March 21, 2018 at 10:15 a.m.  
Place: Conference Room 325, State Capitol

Re: **SB2524 SD1 – Relating to County Land Use Requirements**

Aloha Chair Yamane and Members of the Committee:

Thank you for the opportunity to provide testimony **STRONGLY OPPOSING** Senate Bill 2524 SD1.

Our firm represents numerous clients with real estate interests in the State of Hawaii. We have represented developers of condominium projects ranging in size from 2 units to over 100 units; new construction; spatial units and the conversion of existing properties into condominiums.

SB2524 SD1 expands the existing requirements of the Condominium Property Act, Chapter 514B, Hawaii Revised Statutes (the "Condominium Act"), to require that **all** condominium projects comply with county subdivision or equivalent requirements. SB2524 SD1 also imposes more stringent restrictions on condominium projects developed on land zoned for agricultural use.

We **STRONGLY OPPOSE SB2524 SD1** for the following reasons:

- Condominium projects, especially small conversion projects (consisting typically of 2 to 5 units) allow legally constructed and zoned properties to be submitted to condominium property regimes pursuant to the Condominium Act in order to create separate ownership interests. In most instances, these properties, although legal under the zoning and building codes, would **not** comply with county subdivision or equivalent requirements.



The Honorable Ryan I. Yamane, Chair, and  
Members of the House Committee on Water & Land  
March 20, 2018  
Page 2

- SB2524 SD1 would prohibit properties are legal and conforming under the county building and zoning codes from being submitted to condominium property regimes under the Condominium Act because they do not qualify for county subdivision or equivalent requirements,
- SB2524 SD1 would negatively affect Hawaii's housing market by eliminating a significant portion of the real estate inventory of affordable detached dwelling condominium units on the market. These types of units have historically provided a mechanism for purchasers to own a "house".
- SB2524 SD1 requires compliance with county subdivision or "equivalent" requirements. There are no guidelines offered for the definition of "equivalent" requirements and therefore SB2524 SD1 is broad and overreaching.
- SB2524 SD1 would negatively impact the entire real estate development and housing market, especially the affordable housing marking.
- SB2524 SD 1 would negatively impact bona fide ranches, farmers, and owners of agricultural lands from fully utilizing their properties to support Hawaii's developing farming community and committed goals of self-sustainability.
- Condominium units are a means of separate legal ownership and ***should not*** be subject to county subdivision or equivalent requirements.
- The Condominium Act is not only used for development purposes, but is also a useful tool in complex financing structures, estate planning, and other real estate matters where there is a need to separate ownership interests.

For the foregoing reasons, we **STRONGLY OPPOSE** the passage of **SB2524 SD1** in **its entirety**.

Very truly yours,

**CLAY CHAPMAN IWAMURA PULICE & NERVELL**



Anders G. O. Nervell  
AGN:ccb  
(662724)

Aloha Chair Yamane and Vice Chair Todd,

I am testifying **IN STRONG OPPOSITION** to Senate Bill 2524 SD1 which requires Condominium Property Regimes (“CPR”) to comply with county subdivision requirements.

Whoever wrote this Bill clearly **DOES NOT UNDERSTAND THE FACT THAT A CPR IS A FORM OF OWNERSHIP, NOT A MECHANISM FOR DEVELOPMENT. A CPR DOES NOT ALLOW A LANDOWNER TO BUILD MORE DWELLINGS ON AG LAND!!!!** Obviously, this is about some Oahu specific issue where dense development is allowed on Ag land. Passing this Bill **WILL NOT** stop an Oahu developer from being able to build one dwelling per acre on Ag Land. It will simply change the way the developer has to **SELL** the development. As an example, the developer would still be able to build sixty dwellings on a sixty acre lot, and he could then lease each dwelling long term, OR he could sell them with a co-tenancy agreement.

**THIS BILL DOES NOT SATISFY ITS OWN INTENT.**

If the intent of this Bill is to limit development of residential dwellings on Ag land, then it should not be directed towards a form of ownership, but should simply create a limit of dwellings per Ag lot State wide. In Maui County for example, we are only allowed two dwellingS per Ag lot regardless of size, two dwellings if your two acres OR ONE THOUSAND ACRES. Stopping CPRs as a form of ownership to accomplish this goal is simply asinine as it won't work. It's like introducing mongoose to Hawaii to kill rats.

**THIS BILL HURTS SMALL FARMERS AND OHANAS!!!** CPRs are a very useful form of ownership that allows small farmers and family's to inexpensively separate ownership of a single lot, to either pass on to multiple children, or allow the option to sell only a portion of a lot in order to afford to keep the land. I have MANY family members who have been able to keep their properties because of this form of ownership. A perfect example in Maui, my mother and sister CPR'd their two farm dwellings (ONLY THING ALLOWED, AND THE CPR DIDN'T ALLOW MORE DWELLINGS), and my mom was able to give my sister and her family one of the dwellings, which she was able to finance and pay off my mom's debt so my mom could keep her home. This happens all over our rural areas on Maui! DO NOT TAKE THAT AWAY!

In summary, PLEASE USE YOUR HEADS AND COMMONS SENSE  
Please don't take away a valuable tool for small land owners to create a  
law that will not accomplish it's goal.

Mahalo for allowing me to testify.

Sincerely,

A handwritten signature in black ink that reads "Josh Stone". The signature is written in a cursive, flowing style with a large initial "J" and "S".

Josh Stone  
Flatbread Pizza Company (Owner)  
Big Wave Realty LLC (Owner)

**SB-2524-SD-1**

Submitted on: 3/20/2018 11:34:07 AM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan Payne	Individual	Oppose	No

Comments:

I oppose this bill. The CPR process is robust and adequate. The issues this bill seeks to address should be handled by county zoning laws.

This bill would have severe unintended consequences of significantly limiting the supply of housing. Do not make the housing crisis Hawaii is facing worse by passing this bill.





P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

March 20, 2018

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER AND LAND

**TESTIMONY ON SB 2524, SD1**  
RELATING TO COUNTY LAND USE REQUIREMENTS.

Room 325  
10:15 AM

Aloha Chair Yamane, Vice Chair Todd, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

Hawaii Farm Bureau **strongly opposes SB 2524, SD1**, amending the requirements associated with condominium property regimes and creating unintended consequences.

CPRs are part of Zoning laws that are delegated to Counties in chapter 46. Each County is unique and should have the authority to create and maintain the special character that gives them their identity. SB 2524 seeks to override this authority rather than assist Counties in timely land use rezoning procedures.

Rural and agriculture are two land use categories law that need to be addressed. As Hawaii's population increased, landowners and developers faced obstacles in permitting and land use reclassification procedures resulting in creative ways to meet the needs of the people. Rural, intended to be the interface between agriculture and urban uses is underutilized, and rather than carry out the intent of the district, some see it as merely a stepping stone to development so refuse to recognize its' purpose. This has resulted in abuse in the agricultural district to the detriment of real farmers and ranchers. At the same time, creative land use practices such as CPRs came into place that in turn has created their own unintended consequences.

Many lands in Hawaii are in very large parcels. Smaller farmers and ranchers cannot occupy the large parcels and so utilize the Condominium Property Regime process to have access to lots with a legal identify while maintaining the larger TMK and land use. Counties have used this means as a way to encourage real agricultural activity and provided incentives such as exempting the need to follow subdivision requirements.

SB 2524, seeks to delete this exemption due to abuses by non-farmers. In return, no solution to address large TMKs involved in leases for true agricultural use is provided. This measure superficially seeks to resolve an issue without fully understanding the full ramifications associated with the measure. With the demise of large plantation operations, this measure will have dire unintended consequences.

Classification of Hawaii's lands needs review, recognizing the use of the rural classification to address conflict in the urban-agricultural fringe. At the same time land use laws need to be updated to foster the advancement of agricultural operations. SB 2524 does not achieve this goal. It creates detriments for use of large TMK lands.

HFBF **respectfully requests your strong opposition of SB 2524. This measure will hurt rather than help farmers and ranchers have timely and affordable access to lands as an implementation pathway to increase agricultural production capacity in the State.** Thank you for this opportunity to provide comment on this important subject.

**SB-2524-SD-1**

Submitted on: 3/20/2018 1:22:04 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Wormser	Individual	Oppose	No

Comments:

**It appears to me that this proposed law does not address the issues for which it is intended and only causes harm and complicates an already complicated and highly regulated procedure. Law makers should be focused on simplifying and promoting activities that allow land owners to maximize the value of their properties, within the existing legal structure. However this law is ILLOGICAL AND UNENFORCEABLE: Senate Bill 2524 appears to be based on a FUNDAMENTAL MISUNDERSTANDING of the Law that it seeks to amend, as Condominium Property Regimes ("CPRs") are NOT subdivisions because they do NOT create separate parcels. As such, a CPR does NEVER affects a property's use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. A CPR is a FORM OF OWNERSHIP and NOT a process of "development." As such, county subdivision requirements CANNOT be legally, logically, or practically applied to CPR units, making compliance with or enforcement of this legislation impossible.**

Steven Wormser

Crown Construction Inc.

**SB-2524-SD-1**

Submitted on: 3/20/2018 2:22:33 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lance Holter	Individual	Oppose	No

Comments:

I oppose this Bill because it prevents families from leaving land and property to their decedents. I also oppose SB2524 because CPR"s make it possible to have people own a piece of land and housing that they couldn't normally afford the high price of. When a parcel goes through the CPR process, miscellaneous inspections by the county building department make findings that bring the improvements or lack of improvements up to code. If not brought to code then the CPR can not be finalized. For example property that is on a cesspool before the CPR process began would have to be brought to code with a septic system if there were non permitted improvements or if the cesspool had failed. None of this would become apparent without the inspections triggered by the CPR miscellaneous inspection process. In effect the CPR improves the health and welfare of the greater population, and protects the land and resources, while all at the same time, helping to provide affordable housing opportunities. Please improve the CPR process rather than destroy it. I oppose the Bill SB2524 in it's present form. Please be Pono in your deliberations. Lance Holter

**SB-2524-SD-1**

Submitted on: 3/20/2018 2:31:30 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sean	Individual	Oppose	Yes

Comments:

Aloha Chair Yamane and Vice Chair Todd,

I am testifying **IN STRONG OPPOSITION** to Senate Bill 2524 SD1 which requires Condominium Property Regimes (“CPR”) to comply with county subdivision requirements. Allows the Real Estate Commission to adopt rules that require a developer to seek County Council approval for significant projects. Requires agricultural lands that are subdivided and leased for agricultural uses or activities to comply with county subdivision standards.

CPR is a legal mechanism by which a person can hold title to a property. CPR is a form of ownership and **not a process of development**.

CPR does NOT affect: use, zoning, density, permitting, building codes, community plans, island plans or urban growth boundaries. None of those things change during or after a property has been CPR’d. A property cannot be developed via the CPR process beyond the underlying zoning, use and permitting process already designated by the State and County. The CPR process does not allow for additional structures beyond what a property is entitled for. The CPR process does not allow for more density than what already exists. The CPR process does not change the uses permitted on the property. The only change is in how possession is held.

There is no nexus for County Council approval requirements. A CPR does NOT change any of the County’s oversight already granted and approved via zoning and any additional requirements. The County’s jurisdictional oversight already exists on these properties via zoning and permitting. This bill is attempting to put subdivision and

development requirements on the CPR vehicle that's only means and use is a splitting of title which has nothing to do with neither County Council nor subdivision requirements.

As an example;

A person on Maui owns a 50 acre parcel in Launiupoko that is zoned agriculture. In this case, this person is only entitled to build two habitable structures on the property even though is it greater than two acres; One main farm dwelling and ancillary farm dwelling of no more than 1000 square feet. Upon permitting that owner must have an implemented farm plan for the property guaranteeing its farming uses greater than 50% of the land. That will never change, even if the property is CPR'd the entitlements and use will not increase nor change. Should that owner CPR the property and sell off one of the dwelling units nothing changes except there are now two owners and not one. The new 'lots' are only how title is owned on paper at the Bureau of Conveyances and real property tax office. The new ownership does not create a situation where two more dwellings are allowed. The underlying zoning and allowances govern that, and CPR does not modify it.

If that owner would like to increase the density and build more than the allowable two habitable dwellings he/she would have to go through the County subdivision process and not merely CPR the property multiple ways.

Therefore, there is no nexus to holding title via a CPR and needing County Council approvals nor subdivision requirements.

Mahalo for the opportunity to testify on this measure.

Sean Ginella

**LATE**

**SB-2524-SD-1**

Submitted on: 3/20/2018 5:50:37 PM

Testimony for WAL on 3/21/2018 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Larry McElheny	Individual	Support	No

Comments:



**Hawaii Cattlemen's Council, Inc.**

**COMMITTEE ON WATER & LAND**  
**Rep. Ryan I. Yamane, Chair**  
**Rep. Chris Todd, Vice Chair**

DATE: Wednesday, March 21, 2018  
TIME: 10:15 AM  
PLACE: Conference Room 325

**SB 2524, SD1 – RELATING TO COUNTY LAND USE REQUIREMENTS.**

Requires agricultural lands that are subdivided and leased for agricultural uses or activities to comply with county subdivision standards. Requires condominium property regimes to comply with county subdivision or equivalent requirements. Requires that an application for registration of a project in a county agricultural zoning district or preservation zoning district include a verified statement, signed by an appropriate county official, that the project is in compliance with any supplemental county ordinances, county subdivision standards, and other rules. (SD1)

Chair Yamane, Vice Chair Todd, and Members of the Committee:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the four county level Cattlemen's Associations. Our 150+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **strongly opposes** SB 2524, SD1 as this measure will be detrimental to the success of actual agricultural operations by requiring additional steps, costs and county approvals to the CPR process.

With the constant pressure of development, keeping lands that have been in agricultural production becomes more difficult every year. While placing restrictions and requirements on the subdivision of these lands may seem a logical choice, it reduces the landowner's ability to provide for the future of their operations whether dividing their lands for estate planning or selling less productive lands which provide capital for operating costs.

Requiring county subdivision requirements is impractical for lands that are most suitable for ranching uses. While water is typically the only required utility to provide for ranch activities, requiring roads, sewer, electrical and other components to meet county codes when creating a CPR of ranch lands is extremely costly and unnecessary. While this could be applicable for an ag park, it does not lend itself well to lands whose current and future purpose is ranch activities.

If the purpose of this bill is to reduce the number of "gentlemen farms" or "fake farms" in the state, we believe that this could be better accomplished through enforcement of current land use designations. The rural designation of land in Hawaii is rarely used, but should be considered as a solution to classify lands for residential use.





While agriculture is the default land-use classification, the rural designation is one that should be considered to provide additional tax revenue, prevent misuse of agricultural land and prevent penalizing agriculturists with undue burdens. The practice of agriculture on rural lands is voluntary for the land owner and if the landowner wants to keep the lands in agricultural production, they can designate them using the Important Agricultural Lands (IAL) process.

We can't force folks who own ag land to farm. Over time, some owners of large tracks of ag land have had to subdivide and sell off some of their land just to keep the rest of the land in production. We all want to keep productive ag land in production, and not lose it to misuse. The Important Ag Lands (IAL) legislation this legislature passed years ago was supposed to help address that. Coupling IAL with rural designation use would prevent the misuse of these lands.

We have met and talked for several years now on ways we can curtail the loss of productive ag lands to gentleman farms or fake farms. We would support finding a viable solution, but this bill is not the solution. We respectfully ask the committees to oppose this measure in its current format. Thank you for giving us the opportunity to testify on this important matter.