

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON PUBLIC SAFETY,
INTERGOVERNMENTAL, & MILITARY AFFAIRS AND AGRICULTURE &
ENVIRONMENT**

**FEBRUARY 5, 2018
1:30 P.M.
CONFERENCE ROOM 224**

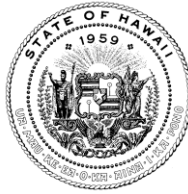
**SENATE BILL NO. 2892
RELATING TO AGRICULTURAL LANDS**

Chairperson Nishihara, Chairperson Gabbard and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 2892 that requires the counties to adopt supplemental rules on condominium property regimes on agricultural lands. The Department of Agriculture supports this measure to the extent that it can cause the use of the land and any structures built thereon to be in compliance with Chapter 205.

Thank you for the opportunity to comment on this measure.





DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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CATHERINE P. AWAKUNI COLÓN
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**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE SENATE COMMITTEES ON
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
AND
AGRICULTURE AND ENVIRONMENT

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Monday, February 5, 2018
1:30 p.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL NO. 2892, RELATING TO AGRICULTURAL LANDS.

TO THE HONORABLE CLARENCE K. NISHIHARA, CHAIR, TO THE HONORABLE MIKE GABBARD, CHAIR, AND MEMBERS OF THE COMMITTEES:

The Department of Commerce and Consumer Affairs (“Department” or “DCCA”) appreciates the opportunity to testify on S.B. 2892, Relating to Agricultural Lands. My name is Celia Suzuki, and I am the Licensing Administrator for the Department’s Professional and Vocational Licensing Division (“PVL”). The Department appreciates the intent of this measure and provides suggested amendments to more fully capture its intended purpose.

The purpose of this bill is to require counties to adopt supplemental rules for condominium property regimes, including those that include agricultural lands.

DCCA’s suggested amendments are:

- **§ 514B-5 Conformance with county [~~land use~~] laws.** Any condominium property regime established under this chapter shall conform to the existing

underlying county zoning 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, 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).

- **§ 514B-6 Supplemental county ordinances and rules governing a condominium property regime.** Whenever any county deems it proper, the county may adopt supplemental ordinances and rules governing condominium property regimes established under this chapter in order to implement this program; provided that any of the supplemental rules adopted shall not conflict with this chapter or with any of the rules adopted by the commission to implement this chapter.
- **§ 514B-52. Application for registration.** (a) An application for registration of a project shall:
 - (1) Be accompanied by nonrefundable fees as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91; and
 - (2) Contain the documents and information concerning the project and the condominium property regime as required by sections 514B-54, 514B-83, and 514B-84, as applicable, and as otherwise may be specified by the commission.
- (b) An application for registration of a project in the agricultural district classified pursuant to chapter 205 shall include a verified statement, signed by an appropriate county official, that the project as described and set forth in the project's declaration, condominium map, bylaws, and house rules does not include any restrictions limiting or prohibiting agricultural uses or activities, in compliance with section 205-4.6. The

commission shall not accept the registration of a project where a county official has not signed a verified statement.

(c) An application for registration of a project in 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 any supplemental county ordinances and rules adopted pursuant to section 514B-6.

~~[(e)]~~ (d) The commission need not process any incomplete application and may return an incomplete application to the developer and require that the developer submit a new application, including nonrefundable fees. If an incomplete application is not completed within six months of the date of the original submission, it shall be deemed abandoned and registration of the project shall require the submission of a new application, including nonrefundable fees.

~~[(e)]~~ (e) A developer shall promptly file amendments to report either any actual or expected pertinent or material change, or both, in any document or information contained in the application.

Thank you for the opportunity to provide written testimony on S.B. 2892.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

February 5, 2018

The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Public Safety,
Intergovernmental, and Military Affairs
The Honorable Mike Gabbard, Chair
and Members of the Committee on Agriculture
and Environment
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Nishihara and Gabbard, and Committee Members:

Subject: Senate Bill No. 2892
Relating to Agricultural Lands

The Department of Planning and Permitting (DPP) **opposes** Senate Bill No. 2892, which would require the counties to adopt supplemental rules on condominium property regimes, including those that include agricultural lands.

We agree with this Bill's intent to allow more county input into the condominium property regimes process, but the proposed language appears insufficient as it does not specifically address conformance with county subdivision requirements.

The DPP supports the more specific language contained in Senate Bill No. 3032, and respectfully requests that Senate Bill No. 2892 be held in committee in favor of SB 3032.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kathy K. Sokugawa".

Kathy K. Sokugawa
Acting Director

SB-2892

Submitted on: 2/3/2018 2:48:20 PM

Testimony for PSM on 2/5/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments: