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Statement of
RODNEY FUNAKOSHI
Planning Program Administrator, Office of Planning
before the
HOUSE COMMITTEE ON FINANCE
Wednesday, February 20, 2019
2:00 PM
State Capitol, Conference Room 308

in consideration of
HB 861, HD1
RELATING TO LAND USE.

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance.

The Office of Planning (OP) appreciates the intent and offers **comments** on HB 861, HD1 which would task OP with convening the Land Use Commission, Real Estate Commission, and the City and County of Honolulu's Department of Planning and Permitting to study condominium property regime (CPR), subdivision, and zoning laws and ordinances to determine whether there are ambiguities or other deficiencies that might be remedied to improve conformance of condominium property regimes with State and county land use laws and ordinances.

While OP believes there is merit to the proposal, we are concerned that our current staff workload would hinder our ability to complete the study and report in the timeframe allotted.

Thank you for this opportunity to testify.



DAVID Y. IGE
Governor

JOSH GREEN
Lieutenant Governor

MIKE MCCARTNEY
Director

LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

DANIEL ORODENKER
Executive Officer

Bert K. Saruwatari
Planner

SCOTT A.K. DERRICKSON AICP
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Statement of
Daniel E. Orodener
Executive Officer
Land Use Commission
Before the
HOUSE COMMITTEE ON FINANCE
Wednesday, February 20, 2019
2:00 PM
State Capitol, Conference Room 308

in consideration of
HB 861 HD1
RELATING TO LAND USE.

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance:

The Land Use Commission (LUC) supports the intent of HB 861 HD1, which would task OP with convening the Land Use Commission, Real Estate Commission, and the City and County of Honolulu's Department of Planning and Permitting to study condominium property regime (CPR), subdivision, and zoning laws and ordinances to determine whether there are ambiguities or other deficiencies that might be remedied to improve conformance of condominium property regimes with State and county land use laws and ordinances.

Thank you for the opportunity to testify on this measure.

HB-861-HD-1

Submitted on: 2/17/2019 10:54:51 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Miyamoto	Hawaii Farm Bureau	Support	Yes

Comments:

HB-861-HD-1

Submitted on: 2/18/2019 6:13:50 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dale Sandlin	Hawaii Cattlemens Council	Support	No

Comments:

We ask for landowner input in the process to improve the deficiencies in the land subdivision and condominium property regime laws.

HB-861-HD-1

Submitted on: 2/19/2019 12:56:27 PM

Testimony for FIN on 2/20/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Fernandez	Individual	Support	No

Comments:

February 20, 2019

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

LATE

RE: H.B. 861, HD1, Relating to Land Use

HEARING: Wednesday, February 20, 2019, at 2:00 p.m.

Aloha Chair Luke, Vice Chair Cullen and Members of the Committee,

I am Ken Hiraki Government Affairs Director, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its over 9,500 members. HAR **supports the intent** of House Bill 861, HD1, which requires the Office of Planning, in consultation with the Land Use Commission, Real Estate Commission, and the Department of Planning and Permitting, to study and report on deficiencies in the land subdivision and condominium property regime laws that may result in land being developed contrary to the legislative intent of those laws.

Hawai'i REALTORS® work with consumers and deal with numerous types of real property, including subdivisions and condominium property regimes. As such, HAR would gladly assist the pertinent government agencies with this study.

Mahalo for the opportunity to testify.



LATE

February 19, 2019

Representative Sylvia J. Luke, Chair
Representative Ty J.K. Cullen, Vice Chair
House Committee on Finance

Comments in Support of the Intent of, and Amendments to HB 861, HD1 Relating to Land Use (Requires the Office of Planning, in consultation with the Land Use Commission, Real Estate Commission, and the Department of Planning and Permitting, to study and report on deficiencies in the land subdivision and condominium property regime laws that may result in land being developed contrary to the legislative intent of those laws.)

FIN Hrg: Wednesday, February 20, 2019 at 2:00 pm in Conf. Rm. 308

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers resort developers and utility companies. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to express its support of the intent of HB 861, HD1, with proposed amendments to require consultation with the organizations representing the stakeholders who would be most affected.

HB 861, HD1. This bill requires the Office of Planning (OP), in consultation with the Land Use Commission (LUC), Real Estate Commission (REC), and the Department of Planning and Permitting (DPP), to study and report on deficiencies in the land subdivision and condominium property regime laws that may result in land being developed contrary to the legislative intent of those laws; requires the Office of Planning to conduct a public hearing to gather information from the general public; and propose legislation to remedy any deficiencies found. The Office of Planning is also required to and submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the regular session of 2020. The major flaw in this bill is that there is no requirement for the Office of Planning to consult with the stakeholders who would be most affected by the study, report or proposed legislation – the bonafide farmers, ranchers and agricultural operators and experts in land use planning and land use laws.

LURF's Position. This measure does not include any background facts or purpose clause, so it is difficult to discern exactly what problem this bill is meant to fix. While **LURF supports the general intent of HB 861, HD1**, this bill should be **amended to also require the Office of Planning to consult with the stakeholders who would be most affected** by the study, report or proposed legislation – the bonafide farmers, ranchers and agricultural operators and experts in land use planning and land use laws.

LURF would respectfully request that **HB 861, HD1, be amended to also require the Office of Planning to consult with representatives of the most affected stakeholders - the Hawaii Farm Bureau Federation, Cattlemen's Council, American Planning Association-Hawaii Chapter and Land Use Research Foundation of Hawaii.**

For the above reasons, **LURF supports the intent of HB 861, HD1, with the above-referenced amendments** and respectfully urges your favorable consideration.

Thank you for the opportunity to provide comments in support of this matter.