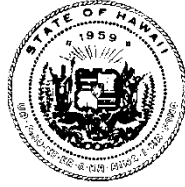


DAVID Y. IGE
GOVERNOR



DENISE ISERI-MATSUBARA
INTERIM EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of
DENISE ISERI-MATSUBARA
Hawaii Housing Finance and Development Corporation
Before the

**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,
AND MILITARY AFFAIRS
SENATE COMMITTEE ON HOUSING**
January 28, 2020 at 1:15 p.m.
State Capitol, Room 229

In consideration of
S.B. 2053
RELATING TO HOUSING.

The HHFDC *supports the intent* of S.B. 2053, which seeks to hasten permitting and environmental review processes for affordable rental housing projects financed by the Rental Housing Revolving Fund (RHRF).

However, we do not believe that an exemption from environmental laws is necessary. The Environmental Council adopted an update to its Environmental Impact Statement (EIS) rules, Chapter 11-200.1, Hawaii Administrative Rules in August 2019. The rules include an exemption from preparation of an environmental assessment for the new construction of affordable housing. Pursuant to §11-200.1-15(c)(1), HAR, an affordable housing project can be exempt if it has the use of State or county lands or funds, or is located within Waikiki as the sole trigger for compliance with Chapter 343, HRS; is located in the State urban district; is consistent with the existing county zoning; and does not require variances for shoreline setbacks or siting in an environmentally sensitive area.

Thank you for the opportunity to testify.



SB2053
RELATING TO HOUSING
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senate Committee on Housing

January 28, 2020

1:15 p.m.

Room 229

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the Board of Trustees **OPPOSE** SB2053, which would give any housing development that receives money from the Rental Housing Revolving Fund a blanket exemption from the environmental protections of HRS Chapter 343. Moreover, it would impose a 30 day limit on county permit application reviews for such projects, and provide for automatic approval if a county does not complete its review in this time. **The exemption and automatic permit approvals contemplated by this measure would subvert the laws and processes that help to protect Hawai‘i’s fragile natural and cultural resources from avoidable and unnecessary impacts, including critical opportunities for Native Hawaiians, other stakeholders, and the general public to provide valuable input in project planning and implementation.**

1. Exemptions from the Chapter 343 environmental review process would remove the transparent consideration of a potentially vast range of avoidable impacts that may be associated with housing development projects, including impacts identified by Native Hawaiians and other members of the public, and would set a dangerous precedent for future exemptions from our time-tested environmental review laws.

The environmental review process embodied in Chapter 343, originally established over four decades ago, plays a vital role in the preservation of Hawai‘i’s limited natural and cultural resources. It provides a critical opportunity for stakeholders, government agencies, the Native Hawaiian community, and the general public to provide valuable insights into possible social, environmental, and cultural impacts of certain agency and applicant actions, and ensures that agencies explicitly consider these impacts in their planning and decisionmaking. This environmental review process demonstrates our state’s well-founded desire for careful, responsible planning that reflects the highly limited and often fragile nature of our islands’ lands and resources.

Chapter 343’s environmental review process offers government and project decisionmakers necessary information to plan for prudent development, and potentially minimize avoidable adverse impacts from certain projects and actions, including those supported by state funds. For example, an environmental review of a proposed housing project would not only highlight the likely short-term, long-term, and cumulative impacts

to natural and cultural resources by the housing project itself, but would also reveal the potential impacts caused by associated activities, such as ground disturbing construction, as well as identify alternative projects or development approaches that may mitigate or even avoid unnecessary impacts. Environmental review is critical to ensuring that county and state agencies understand the potential impacts of developments under their purview, on the surrounding environment and community, as well as on constitutionally protected Native Hawaiian traditional and customary rights, in order to make the most responsible development decisions for the future of Hawai'i. **Accordingly, a wholesale exemption from the environmental review process for development projects, including those funded by the Rental Housing Revolving Fund, could result in a vast range of irreparable, but frequently avoidable harms to natural and cultural resources.**

Further, the exemption proposed by this bill may also set a dangerous precedent that may lead to its future expansion to other types of projects, severely undermining the integrity of our environmental policy and laws on a broader scale, and compromising the natural and cultural resources they are intended to protect.

2. The proposed 30-day deadline for counties to process certain affordable housing project applications may unreasonably undermine important county-level natural and cultural resource protections as well as state-level historic preservation review.

County permitting requirements may include infrastructure considerations as well as public review and comment requirements that minimize risks to natural and cultural resources, such as those relating to waste production and wastewater discharges. As part of their permitting processes, counties also refer proposed projects that might impact historic and cultural resources as well as Native Hawaiian burials to the State Historic Preservation Division (SHPD) for historic preservation review; this latter mechanism is critical to effectuating the laws that protect our historic and cultural sites from inappropriate disturbance and destruction. Allowing certain affordable housing projects to receive automatic permit approvals after an unreasonably and impractically short time frame, as proposed in this measure, may significantly limit the counties' and SHPD's ability to appropriately vet project proposals, and thereby risk unintended, irreparable, and avoidable harms to public lands, natural and cultural resources, historical sites, archaeological resources, and iwi kūpuna.

For the above reasons, OHA respectfully requests that the Committees **HOLD** SB2053. Mahalo for the opportunity to testify on this measure.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 26, 2020

TO: The Honorable Clarence K. Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs *AND*
The Honorable Stanley Chang, Chair
Senate Committee on Housing

FROM: Tamara Paltin, Councilmember for West Maui
Maui County Council

SUBJECT: **HEARING OF JANUARY 28, 2020; COMMENTS ON SB 2053,
RELATING TO HOUSING**

Thank you for the opportunity to **offer comments** on this important measure. The purpose of this bill is to add a new section to Chapter 46 of the Hawaii Revised Statutes that requires a county to approve, approve with modification, or disapprove an application for a permit necessary for a housing development project that uses moneys from the rental housing revolving fund.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

The Affordable Housing committee for the Maui County Council has deliberated on multiple 201H projects within the last year and the 45 (forty-five) day time limit to schedule developer presentations, resources from departments, and review all pertinent information has been challenging. Contracting the time frame for the rental housing revolving fund projects will, more than likely, prove even more challenging with less time.

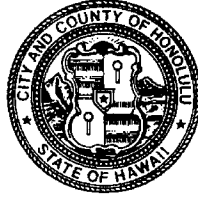
As the West Maui Councilmember whose district is facing the greatest need for affordable housing, I recognize the necessity for rental housing for individuals and families that fall below 100%, 80%, and 30% of the median family income as designated by the county, however, I would request the time frame be aligned with 201H-38 and allow **45 (forty-five) days** for county review before automatic approval.

Thank you, once again, for the opportunity to testify and for your consideration.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

January 28, 2020

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

Dear Chairs Nishihara and Chang, and Committee Members:

**Subject: Senate Bill No. 2053
Relating to Housing**

The Department of Planning and Permitting (DPP) **opposes** Senate Bill No. 2053, which would require counties to take action within 30 days on permits for housing projects that use money from the Rental Housing Revolving Fund (RHRF), or the application would be automatically approved.

Housing projects nearly always require more than one development permit before construction can begin. Is the land properly zoned? Is the project in a federal flood hazard zone? Does it need a zoning variance from height and density requirements? Is it in a special management area? Is the project planned in an area that is known to have cultural artifacts? All of this – and more – come into play when reviewing a housing project and can take months to complete all pre-construction permits.

To require that all of these reviews be done in a 30-day period would be unrealistic. For one, there are many other agencies, including State and Federal agencies, that are involved in the reviews, and we have no control over how long they take to return an application. Also, by rushing through an application, many deficiencies may be missed. These problems will be caught in the field by our inspectors, who could put a halt to the construction, revoke a permit, and cause unintended delays. This Bill also would require an applicant to respond to a county's comments or questions in an application within five business days, or the 30-day approval mandate would not apply. We foresee this occurring more often than not because deficiencies in applications are often complicated and sometimes require major redesigns.

The DPP is reviewing its own permitting process with the goal of shortening the time it takes to process and issue a building permit. By requiring that certain projects leap-frog other projects would push other projects further down the queue and cause severe delays in the processing of those permits.

The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Public Safety,
Intergovernmental, and Military Affairs
The Honorable Stanley Chang, Chair
and Members of the Committee on Housing
Hawaii State Senate
January 28, 2020
Senate Bill No. 2053
Page 2

We agree that there is a severe shortage of affordable rental housing, particularly for the segment of the population that the RHRF is targeted to serve. But to bypass a county's review process would jeopardize the health and safety of the people we seek to protect.

Lastly, we oppose the Bill's blanket exemption from the environmental impact disclosure process codified in Hawaii Revised Statutes, Chapter 343 for projects that use moneys from the RHRF. It should be noted that the new rules to implement Chapter 343, namely Hawaii Administrative Rules Chapter 11-200.1, took effect on August 9, 2019. The new rules specifically exempt new construction of affordable housing if the project meets four criteria, one of which is the use of State or county funds as the sole trigger for environmental compliance. It is likely that the majority of projects funded by the RHTF will be exempt from the Chapter 343, but there is a possibility that some projects will be sited in an environmentally sensitive area, such as areas with wetlands or subject to sea level rise exposure. It would clearly be irresponsible to exempt such projects from the laws that are meant to protect our environment and the long-term integrity of the structures we permit to be built.

For the reasons stated above, we ask that Senate Bill No. 2053 be held in Committee. Thank you for the opportunity to testify.

Very truly yours,



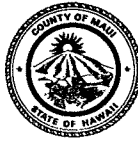
Kathy K. Sokugawa
Acting Director

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Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
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WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 27, 2020

TO: The Honorable Clarence K. Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
The Honorable Stanley Chang, Chair
Senate Committee on Housing

FROM: Alice L. Lee
Council Chair

SUBJECT: **HEARING OF JANUARY 28, 2020; TESTIMONY IN SUPPORT OF
SB 2053, RELATING TO HOUSING**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to require a County to approve, approve with modification, or disapprove an application for a permit necessary for a housing development project that uses moneys from the Rental Housing Revolving Fund.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. Providing housing for our residents is a critical issue statewide. However, each county's housing situation is unique, and housing solutions that work for one county may not work for another. By allowing each county to review these permit applications, each county will be able to take their situation into account and move forward applications for rental housing projects that are appropriate for their community.
2. The Environmental Impact Statement process can be arduous for developers and impedes development for housing we need now. Exempting projects that utilize moneys from Rental Housing Revolving Fund will allow rentals to more quickly be available for those who need them.

For the foregoing reasons, I **support** this measure.



Chair(s) Clarence Nishihara & Stanley Chang
Vice Chair(s) Glenn Wakai & Dru Kanuha

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senate Committee on Housing

Tuesday, January 28, 2020
1:15 PM

TESTIMONY IN OPPOSITION TO SB2053 RELATING TO HOUSING

Aloha Chair(s) Nishihara and Chang, Vice Chair(s) Wakai and Kanuha, Members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs & Senate Committee on Housing,

My name is Jun Shin. I am a Sophomore at the University of Hawai‘i at Mānoa. I currently serve the Environmental Justice Action Committee Chair for the Young Progressives Demanding Action (YPDA), an organization whose members work toward building a Hawai‘i that is just, equitable, and sustainable through community organizing and issue advocacy. YPDA is in **opposition** to **SB2053** as is, Relating to Housing.

YPDA’s leadership and membership consist of Millennials and younger who are students and young professionals. We face the struggle of trying to survive in a state with one of the highest costs of living, so YPDA of course supports the need of affordable housing as an economic justice priority, so that our members and all of Hawai‘i can have a future here. However, we respectfully oppose this measure in its current form.

We are concerned about the addition of changes in this measure to Chapter 343 of the Hawai‘i Revised Statutes (HRS). These changes would result in any development, pre-development, construction, or substantial rehabilitation that:

1. Commences on a housing development project after July 1, 2020, and before July 1, 2027
2. Uses moneys from the rental housing revolving fund established under section 201H-202 Being exempted from Chapter 343 HRS, Environmental Impact Statements until the sunset date of 06/30/2027.

Chapter 343 is a critical element in our laws. As Chapter 343-1 HRS notes, “The legislature finds that the quality of humanity's environment is critical to humanity's well being, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole.

It is the purpose of this chapter to establish a system of environmental review which will ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations.”

In a time where we are dealing with the climate crisis, we need to insure that our finite natural resources and our environment is being protected as best as they possibly can and as Chapter 343 intended, the people need to be able to participate in decision making. Chapter 343 insures that there is transparency during projects, in this case housing. If your Environmental Assessment (EA) triggers an Environmental Impact Statement (EIS), that means your project would have a big impact on the community, environmentally sensitive areas, cultural and natural resources (Public Trust resources), endangered/rare species and/or their habitats, etc.

Throughout HRS Chapter 343, the statutes make it very clear that the public is an essential part of the decision making process and they are to be kept informed, and encouraged to participate. The Office of Environmental Quality Control’s Environmental Notice keeps people up to date on EA’s and EIS’s, giving all of us the chance to review, submit written comments, and even legally challenge decisions that don’t adequately cover how impacted our homes, our environment, our customary/traditional rights, and more will be.

We need to insure that transparency on the environmental, social, economic, and cultural impacts of projects that HRS Chapter 343 brings continues. Even more importantly, it’s crucial to have the public element in planning decisions. Allowing for the public to have a voice in important decisions that will impact their communities. Young Progressives Demanding Action remains **opposed** to **SB2053** as is.

Mahalo for the opportunity to testify,

Jun Shin,
Environmental Justice Action Committee Chair
Young Progressives Demanding Action (YPDA)
1561 Kanunu St.
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com
CC: action@ypdahawaii.org



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

SENATE COMMITTEE ON HOUSING

January 28, 2020 1:15 PM Room 325

In OPPOSITION of SB2053: Relating to Housing

Aloha Chair Nishihara, Chair Chang, and members of the committees,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **opposes SB2053** because it imposes an unreasonable automatic approval trigger on county decisionmakers and authorizes a wholesale exemption from the statute requiring environmental impact statements.

This bill would:

- 1) Exempt all projects using funds from the Rental Housing Revolving Fund HRS §201H-22 from all requirements of Hawai'i's Environmental Policy Act HRS §343.
- 2) Impose a 30-day automatic approval for any project using funds from the Rental Housing Revolving Fund.

We recognize that Hawai'i is suffering a housing crisis. More affordable housing must be built to ensure that everyone in Hawai'i has a decent place to live. This self-made crisis, however, does not justify circumvention of state and county laws.

Environmental impact statements support quality development projects

Compliance with Chapter 343 is as much about protecting natural and cultural resources as it is about ensuring livable communities, good urban design, satisfaction of minimum infrastructure needs, and thoughtful traffic management. Affordable housing projects have the potential to significantly affect the quality of life for residents of the proposed project, as well as the surrounding community. Complying with Chapter 343 helps to ensure a high-quality of living for all of Hawai'i's people -- not just the wealthy, but all of us.

Sufficient Exemptions Exist

Despite our objections during the rulemaking process, the regulations recently adopted by the Office of Environmental Quality and Control to govern the implementation of Chapter 343

provide an exception for affordable housing projects in HAR 11-200.1-15(c)(11). These rules were put into effect in August 2019.

Automatic approvals are bad public policy

It is in everyone's interest to ensure that major construction projects are well-developed. Counties should take a reasonable amount of time to verify that a project meets all the requirements necessary to build quality housing.

The bill recognizes the importance of ensuring compliance with some minimum requirements. Section d of the bill states:

“(d) An applicant shall comply with all applicable safety and engineering requirements relating to the development, pre-development, construction, or substantial rehabilitation of a housing development project.”

The county needs to verify all “safety and engineering requirements” and ensure compliance with the myriad building code, traffic, and water infrastructure requirements residents expect in modern building projects. Circumventing the laws that protect our environment, support informed decision-making, and uphold our quality of life will not ensure desperately needed affordable housing is built quickly. Developing projects in compliance with state and county laws does.

Given the existing exemptions in the administrative rules, the lack of justification for expediting decision-making, and the increased risks to the public and the housing residents of unforeseen consequences not otherwise analyzed, we urge these Committee's to hold SB2053.

Thank you for the opportunity to testify in opposition.

Mahalo,



Jodi Malinoski, Policy Advocate



January 27, 2020

The Honorable Clarence K. Nishihara, Chair
The Honorable Glenn Wakai, Vice-chair
Members of the Senate Committee on Public Safety, Intergovernmental,
and Military Affairs

The Honorable Stanley Chang, Chair
The Honorable Dru Mamo Kanuha, Vice-chair
Members of the Senate Committee on Housing

RE: **SB 2053 – RELATING TO HOUSING**
Hearing date: January 28, 2020 at 1:15 Pm

Aloha Chairs Nishihara and Chang, and members of the committees,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **SUPPORT** of SB 2053. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals. NAIOP Hawaii strongly supports the development of housing for Hawaii residents at all levels of income, especially affordable housing projects.

SB 2053, requires a county to approve or deny permit applications for affordable housing projects financed through the rental housing revolving fund in a timely manner, or provides an automatic approval. The bill also provides an exemption for affordable housing projects from the environmental impact statement requirements. Timing for affordable housing projects is critical. Due to the high cost incurred with delays, viable affordable housing projects can fail when permits are not approved or EIS requirements delay the project. The exemptions and time deadline proposed in SB 2053 will help alleviate the risk of projects failing due to delayed project approvals. These types of amendments are critical to Hawaii's ability to address the housing shortages without increasing the costs for development, and accordingly the cost of homes.

Mahalo for your consideration,

Catherine Camp, President
NAIOP Hawaii



**COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS, AND
HOUSING
State Capitol, Conference Room 229
415 South Beretania Street
1:15 PM**

January 28, 2020

RE: SENATE BILL NO. 2053, RELATED TO HOUSING

Chairs Nishihara and Chang, Vice Chairs Wakai and Kanuha, and members of the committees:

My name is Gladys Quinto-Marrone, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii supports the intent of S.B. 2053, which proposes to require a county to approve, approve with modification, or disapprove an application for a permit necessary for a housing development project that uses money from the rental housing revolving fund. The bill also provides for automatic permit approval if a county does not make a timely decision on an application, and would exempt the foregoing projects from environmental impact statement requirements.

We understand the intent of the bill is to move affordable housing projects through the County permitting process as quickly as possible. However, the bill does not define which county permit or permits would be impacted by this bill. It also doesn't identify whether other county approvals, such as rezoning, would be included in the automatic approval.

The real problem lies in the counties' building permits processes in Hawaii. The delays in processing permits is a result of the Counties requiring that building permit applications and plans are prepared to show compliance with applicable codes. On other non-code issues, the Counties do not have standard criteria for how plans should be prepared resulting in arbitrary decisions on whether the "plans are complete." What makes this process even more illogical, is that the Counties are not liable for issuing a building permit that doesn't meet code. The design professional and Contractor are ultimately liable. It begs the questions of why does it take so long to issue a building permit?

In other municipalities, building permits are issued over the counter, and the focus of whether or not the construction is in compliance with the applicable building codes is done in the field during the construction inspection. Most builders understand the codes, and build in compliance with the codes. If construction is not in compliance, the inspector shuts down the project until corrections are made. Having plans that show compliance doesn't mean the construction will be in compliance.

We support the intent of S.B. 2053 and ask that the permits and/or other county approvals be defined in the bill. We appreciate the opportunity to express our views on this matter.

SB-2053

Submitted on: 1/27/2020 4:32:14 PM

Testimony for PSM on 1/28/2020 1:15:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Hooser	Testifying for Pono Hawaii Initiative	Oppose	No

Comments:

I am testifying in opposition to this measure for the following reasons:

1) Automatic approval provisions are simply bad public policy. To approve something without having the proper agency review and confirm that the proposal adequately conforms to the intent of the law, and properly serves the affordable community it is intended to serve, is irresponsible and will increase the number of poorly planned and poorly constructed low-income communities.

2) Exemptions from HRS343 are not necessary and increase the likelihood of environmental degradation and community push back. If a project will have no to minimal environmental impacts then an agency can already issue an "exemption", but only after at least a cursory review. Or if there may be some impacts, an Environmental Assessment could be required. A full EIS is not required of every single project and a flat and broad statutory exemption is not appropriate.

A better option is to properly fund and staff the various agencies so they might do the permit review and approval process in a timely manner.

Gary Hooser

Executive Director, Pono Hawaii Initiative

Former Director of the Office of Environmental Quality Control



**Testimony to the Senate Committees on Public Safety, Intergovernmental,
and Military Affairs, and Housing**

**Tuesday, January 28, 2020 at 1:15 P.M.
Conference Room 229, State Capitol**

LATE

RE: SB 2053, RELATING TO HOUSING

Chairs Nishihara and Chang, Vice Chairs Wakai and Kanuha and Members of the Committees:

The Chamber of Commerce Hawaii ("The Chamber") **supports the intent of SB 2053**, which proposes to require a county to approve, approve with modification, or disapprove an application for a permit necessary for a housing development project that uses moneys from the rental housing revolving fund. The bill also provides for automatic permit approval if a County does not make a timely decision on an application. The bill would exempt the foregoing projects from environmental impact statement requirements.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

We understand the intent of the bill is to move affordable housing projects through the County permitting process as quickly as possible. However, the bill does not define which County permit or permits would be impacted by this bill. It also doesn't identify other county approvals, such as rezoning would be included in the automatic approval.

The issue is in how the Counties process building permits in Hawaii. The delays in processing permits is a result of the Counties requiring that building permit applications and plans are prepared to show compliance with applicable codes. On other non-code issues, the Counties do not have standard criteria for how plans should be prepared resulting in arbitrary decisions on whether the plans are complete. What makes this process inconsistent, is that the Counties are not liable for issuing a building permit that doesn't meet code. The design professional and contractor are ultimately liable, so the question is why does it take so long to issue a building permit?

In other areas of the Country, building permits are issued over the counter, and the focus of whether or not the construction is in compliance with the applicable building codes is done in the field during the construction inspection. Most builders understand the codes and build in compliance with the codes. If construction is not in compliance, the inspector shuts



down the project until corrections are made. However, having plans that show compliance doesn't mean the construction will be in compliance.

While we support the intent of SB 2053, we ask that the permits and/or other County approvals be defined in the bill. Thank you for the opportunity to express our views on this matter.

SB-2053

Submitted on: 1/24/2020 8:14:54 AM

Testimony for PSM on 1/28/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
keomailani von gogh	Individual	Oppose	No

Comments:

Aloha,

I am testifying today in the spirit of Kapu Aloha.

I am in strong opposition to SB2053. Above all, we should be protecting our aina, and not diminishing it. The exemptions for developers having to do environmental impact statements is inappropriate because these laws have been put in place for very important reasons. We should have some foresight focused on the health of our aina which sustains us, and not so much importance put on developing our precious Hawaii nei. We are a very small speck of land out here in the middle of the Pacific with finite resources that are running out already.

Mahalo for your time,

Keomailani Von Gogh