

**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lt. Governor



**PHYLLIS SHIMABUKURO-GEISER**  
Chairperson, Board of Agriculture

**MORRIS M. ATTA**  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON PUBLIC SAFETY,  
INTERGOVERNMENTAL, AND MILITARY AFFAIRS AND HOUSING**

**JANUARY 28, 2020  
1:15 P.M.  
CONFERENCE ROOM 229**

**SENATE BILL NO. 2172  
RELATING TO HOUSING DEVELOPMENT**

Chairpersons Nishihara and Chang and Members of the Committees:

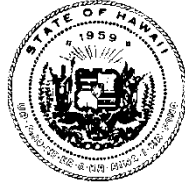
Thank you for the opportunity to testify on Senate Bill 2172. This measure requires each county's council to approve State land use district boundary amendments for qualified affordable housing projects on 15 acres or less and removes the Land Use Commission's authority to take action upon proposals for qualified affordable housing projects. The Department of Agriculture has concerns about possible adverse unintended consequences from further expediting a process that already exempts qualified projects from ordinances and statutes meant, in part, to protect and conserve prime agricultural lands.

Thank you for the opportunity to testify on this measure.

SB2172\_AGR\_01-28-20\_PSM-HOUSING,WAM



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

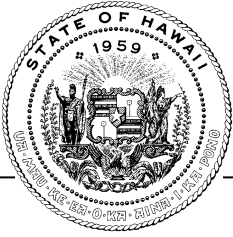
In consideration of  
**S.B. 2172**  
**RELATING TO HOUSING DEVELOPMENT.**

The HHFDC *offers the following comments on, and requested amendment to* S.B. 2072.

This bill, among other things, deletes subparagraph (4) of Section 201H-38(a), HRS. This language provides for expedited approvals of district boundary amendments needed for affordable housing projects on lands greater than 15 acres in area by the Land Use Commission. Deletion of Section 201H-38(a)(4) is contrary to efforts to expedite delivery of affordable housing units to address unmet need.

We respectfully request that the joint committees restore this language, so that larger affordable housing developments may continue to obtain expedited review at the Land Use Commission.

Thank you for the opportunity to testify.



**OFFICE OF PLANNING  
STATE OF HAWAII**

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**DAVID Y. IGE**  
GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR  
OFFICE OF PLANNING

Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning  
before the  
**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS**  
**AND**  
**SENATE COMMITTEE ON HOUSING**

Tuesday, January 28, 2020  
1:15 PM  
State Capitol, Conference Room 229

in consideration of  
**SB 2172**  
**RELATING TO HOUSING DEVELOPMENT.**

Chairs Nishihara and Chang, Vice Chairs Wakai and Kanuha, and Members of the Senate Committees on Public Safety, Intergovernmental, and Military Affairs, and Housing,

The Office of Planning (OP) has comments on SB 2172 which would amend Hawaii Revised Statutes (HRS) §201H-38 to allow the legislative body of each county to review and approve Land Use District Boundary Amendments for a housing project with a land area of 15 acres or less.

HRS §201H-38 (4) is proposed to be deleted. This could remove the requirement that the Land Use Commission (LUC) process a Chapter 201H District Boundary Amendment (DBA) for all affordable housing projects within a forty-five day time frame. Instead, this section should be modified to clarify that the LUC processes petitions which are greater than 15 acres. OP recommends revising the deleted subsection (4) to read:

“(4) For projects greater than fifteen acres, ~~The~~ land use commission shall approve, approve with modifications, or disapprove a boundary change within forty-five days after the corporation has submitted a petition to the commission as provided in section 205-4. If on the forty-sixth day, the petition is not disapproved, it shall be deemed approved by the commission.”

Thank you for this opportunity to testify.

**COUNTY COUNCIL**

Arryl Kaneshiro, Chair  
Ross Kagawa, Vice Chair  
Arthur Brun  
Mason K. Chock  
Felicia Cowden  
Luke A. Evslin  
KipuKai Kualii



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
E-mail: cokcouncil@kauai.gov

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

January 27, 2020

**TESTIMONY OF ROSS KAGAWA**  
**VICE CHAIR, KAUA'I COUNTY COUNCIL**  
**ON**  
**SB 2172, RELATING TO HOUSING DEVELOPMENT**  
Senate Committee on Public Safety, Intergovernmental, And Military Affairs  
Senate Committee on Housing  
Tuesday, January 28, 2020  
1:15 p.m.  
Conference Room 229

Dear Chair Nishihara, Chair Chang, and Members of the Committees:

Thank you for this opportunity to provide testimony in support of SB 2172, Relating to Housing Development. My testimony is submitted in my individual capacity as Vice Chair of the Kaua'i County Council and as Vice President of the Hawai'i State Association of Counties.

SB 2172 proposes to accelerate the regulatory and permitting process for the development of affordable housing on lands less than fifteen (15) acres.

1. For housing projects developed by the Hawai'i Housing Finance and Development Corporation, the law (section 201H-38) provides that the projects shall be "exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units."
2. Section 205-3.1, provides that "*district boundary amendments involving land areas fifteen acres or less [not involving lands designated important agricultural lands]... shall be determined by the appropriate county land use decision-making authority for the district and shall not require consideration by the land use commission...*"

SB 2172 proposes to consolidate proceedings for the amendment of district boundaries on the land involved, and authorize the county council to approve the district boundary amendment for a project involving land less than fifteen (15) acres as recommended by the planning department. County ordinances enacted to implement section 205-3.1 for district boundary changes involving an area of fifteen (15) acres or less require that:

- Petitions for the boundary amendment be submitted to the planning department (to the planning director in Kaua'i County); in Honolulu and Kaua'i, the City Council or County Council, as the case may be, is authorized to initiate a petition;
- The planning departments evaluate the petitions, hold a hearing, and submit recommendations to the county council, which will hold a public hearing before enacting the boundary amendment;
- A copy of the petition is submitted to the Land Use Commission and Department of Business, Economic Development, and Tourism.

In 1997, the Legislature declared that two of the most critical issues facing the people of Hawai'i were:

- Housing affordability and availability; and
- Implementing "...an integrated, rather than a fragmented ...effort" to cope with the multitude of problems to developing affordable housing.

Among the causes of the high costs of housing identified was the cost of added government regulation, which was attributed to the lack of coordination of the housing development efforts among government agencies at all levels. SB 2172 proposes to address part of this problem.

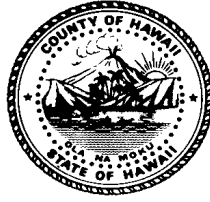
Thank you again for this opportunity to provide testimony in support of SB 2172. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,



ROSS KAGAWA  
Vice Chair, Kaua'i County Council

County of Hawai'i  
Council District 4 -  
Lower Puna  
ashley.kierkiewicz@hawaiicounty.gov



Office: (808) 961-8265  
Fax: (808) 961-8912

## **ASHLEY L. KIERKIEWICZ**

HAWAII COUNTY COUNCIL – DISTRICT 4

Chair: Committee on Planning, and Committee on Government Relations & Economic Development  
25 Aupuni Street • Hilo, Hawai'i 96720

January 27, 2019

**Senate Committee on Public Safety,  
Intergovernmental, and Military Affairs**  
Senator Clarence Nishihara, Chair  
Senator Glenn Wakai, Vice-Chair

**Senate Committee on Housing**  
Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice-Chair

### **RE: Support for SB2172 relating to housing development**

Aloha, Senators:

Thank you for the opportunity to submit testimony in support of SB2172, which proposes to amend Section 201H-38 and provide a county's legislative body clear direction that it has the authority to approve State land use district boundary amendments for 201H projects that are fifteen acres or less and not designated as important agricultural lands or conservation lands.

In early January, I introduced Resolution 431-20 directing the County of Hawai'i to address the island's housing crisis with urgency. The measure recently passed the County Council and sets us on a course to formulate a comprehensive housing development plan that aligns stakeholders, funding mechanisms and policy tools to meet immediate and future housing demand.

What's proposed under SB2171 is a much needed policy tool that would help streamline the affordable housing development process. The amendment would be consistent with the legislative intent of 201H and be in line with jurisdiction granted by Section 205-3.1.

Mahalo nui loa,

Ashley Lehualani Kierkiewicz  
Hawai'i County Council, District 4

**SB-2172**

Submitted on: 1/27/2020 12:50:04 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Duane Hosaka	Testifying for Office of Housing and Community Development	Support	No

Comments:

Dear Chair Nishihara,

The Office of Housing and Community Development humbly supports efforts by the Hawaii State Association of Counties (HSAC) to pass Senate Bill No. 2172 (SB2172), which proposes to accelerate the regulatory and permitting process for the development of affordable housing on parcels smaller than fifteen acres.

SB2172 would consolidate proceedings to amend state Land Use district boundaries on the land involved and authorize County Councils to approve the district boundary amendment for a project involving land less than fifteen acres, as recommended by the planning department.

In 1997, the Legislature declared that two of the most critical issues facing the people of Hawaii were housing affordability and availability; and implementing "...an integrated, rather than a fragmented ...effort" to cope with the multitude of problems to developing affordable housing.

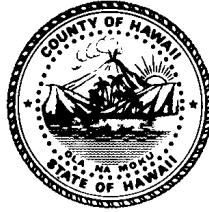
Among the identified causes of the high cost of housing was added government regulation, which was attributed to the lack of coordination of housing development efforts among government agencies at all levels. SB2172 proposes to address part of this problem.

Very Truly Yours,

DUANE HOSAKA

Housing Administrator

**Harry Kim**  
Mayor



**Roy Takemoto**  
Managing Director

**Barbara J. Kossow**  
Deputy Managing Director

## County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553  
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(808) 323-4444 • Fax (808) 323-4440

January 27, 2020

Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Committee on Public Safety, Intergovernmental and Military Affairs

Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair  
Committee on Housing

Dear Chairs Nishihara and Chang, Vice Chairs Wakai and Kanuha, and Committee Members:

### RE: **SB 2172, Relating to Housing Development**

Every elected official that I know of wants to increase our stock of affordable housing, and one way to do that is to make it easier for housing projects, developed by the Hawai'i Housing Finance and Development Corporation, to move expeditiously when they have proposals in the pipeline. SB 2172 would result in significant streamlining of permit approvals for affordable housing projects, and I urge you to give this bill a favorable vote.

I would suggest that the language amending 201H-38 (3) (B) might be improved by making explicit that the County Councils have the authority to approve a district boundary amendment for 15 acre parcels or less. As currently worded, 201H-38 (3) (B) seems to require that the amendment be approved.

Respectfully Submitted,

Harry Kim  
MAYOR



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

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

**LATE**

January 27, 2020

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

FROM: Alice L. Lee  
Council Chair

SUBJECT: **HEARING OF JANUARY 28, 2020; SUPPORT OF SB 2172, RELATING TO HOUSING DEVELOPMENT**

Thank you for the opportunity to offer **support** of this important measure. This measure would clarify the county councils' authority to approve a State District Boundary amendment for a housing project on a land area of 15 acres or less.

This bill is part of the Hawaii State Association of Counties' Legislative Package. Therefore, I offer this testimony on Maui County Council's behalf.

The Maui County Council **supports** this measure for the following reasons:

1. This measure is consistent with the Council's goal providing expedited review of affordable-housing projects.
2. Preventing delays in a development's approval process creates cost savings, encouraging construction of affordable housing.


Thank you for your consideration of the Council's **support** of this measure.

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**HAWAII ISLAND COMMUNITY DEVELOPMENT CORPORATION**

**100 PAUHI STREET, SUITE 204 • HILO, HAWAII 96720**

To: Senator Clarence K. Nishihara, Chair PSM  
Senator Glenn Wakai, Vice Chair PSM  
Senator Stanley Chang, Chair HOU  
Senator Dru Mamo Kanuha, Vice Chair HOU

From: Keith Kato   
Executive Director  
Hawaii Island Community Development Corporation  
Hilo, Hawaii 96720

Re: Hearing on SB2172 RELATING TO HOUSING DEVELOPMENT  
January 28, 2020 at 1:15p.m.  
Conference Room 415, State Capitol

The Hawaii Island Community Development Corporation (HICDC) SUPPORTS the passage of SB 2172 RELATING TO HOUSING DEVELOPMENT.

The Hawaii Island Community Development Corporation is a 501(c)(3) non-profit organization and has been a USDA Rural Development Self Help Housing Grantee for many years. We have worked with low income family builders to complete 350 homes primarily on the Big Island over the past several years. HICDC has also developed seven senior rental projects with an eighth project to be completed in April of 2020 which will bring our senior rental housing up to 391 units.

The 201H expedited processing has helped to accelerate most of the housing projects that we have been involved with. In the last couple of years that a problem with the interpretation of Section 205 has lead to our having to process the 201H exemption and the SLU boundary amendment separately for sites up to 15 acres in size in spite of the fact that the decision making body is the same for both processes. The consolidation of these processes enabled by the passage of SB 2172 would help speed the delivery of affordable housing.

Thank you for the opportunity to provide testimony on this bill.

January 27, 2020

Clarence K. Nishihara, Chair  
Glenn Wakai, Vice Chair  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Hawaii State Capitol

Dear Chair Nishihara, Vice Chair Wakai, and Committee Members,

On behalf of the members of the Hawai'i Island Housing Coalition I would like to submit this letter of testimony in support of Senate Bill 2172 Relating to Housing Development.

The Hawai'i Island Housing Coalition is a community-based organization recently established through the Vibrant Hawai'i initiative with the focus on developing and implementing strategies to address our Island's and State's affordable housing crisis. The membership of our organization is comprised of local community members, local government leadership, and non-profit and private business partners. Collectively we hope to identify opportunities to unify our efforts and resources to effectively address our community's affordable housing needs.

As noted in the 2017 Hawaii State Plan on Housing, among the barriers to affordable housing development are: lack of basic infrastructure, cost of construction, available land and geographic location, and government regulations.

As proposed in Senate Bill 2172, the language of Chapter 201H-38 of the Hawaii Revised Statutes would be amended to provide further alignment with language and provisions within Chapter 205. The proposed amendment would streamline the processes of land use review and approval by granting the legislative bodies of the respective counties with the authority to make district boundary changes for projects of fifteen (15) acres or less and eliminate the State Land Use Commission ruling on those small-scale projects.

I thank you for the opportunity to provide testimony in support of Senate Bill 2172 and strongly encourage your support and passage of this measure.

Sincerely,



Darryl Oliveira, Co-Chair  
Hawai'i Island Housing Coalition

January 27, 2020

Stanley Chang, Chair  
Dru Mamo Kanuha, Vice Chair  
Senate Committee on Housing  
Hawaii State Capitol

Dear Chair Chang, Vice Chair Kanuha, and Committee Members,

On behalf of the members of the Hawai'i Island Housing Coalition I would like to submit this letter of testimony in support of Senate Bill 2172 Relating to Housing Development.

The Hawai'i Island Housing Coalition is a community-based organization recently established through the Vibrant Hawai'i initiative with the focus on developing and implementing strategies to address our Island's and State's affordable housing crisis. The membership of our organization is comprised of local community members, local government leadership, and non-profit and private business partners. Collectively we hope to identify opportunities to unify our efforts and resources to effectively address our community's affordable housing needs.

As noted in the 2017 Hawaii State Plan on Housing, among the barriers to affordable housing development are: lack of basic infrastructure, cost of construction, available land and geographic location, and government regulations.

As proposed in Senate Bill 2172, the language of Chapter 201H-38 of the Hawaii Revised Statutes would be amended to provide further alignment with language and provisions within Chapter 205. The proposed amendment would streamline the processes of land use review and approval by granting the legislative bodies of the respective counties with the authority to make district boundary changes for projects of fifteen (15) acres or less and eliminate the State Land Use Commission ruling on those small-scale projects.

I thank you for the opportunity to provide testimony in support of Senate Bill 2172 and strongly encourage your support and passage of this measure.

Sincerely,



Darryl Oliveira, Co-Chair  
Hawai'i Island Housing Coalition

**SB-2172**

Submitted on: 1/27/2020 1:05:36 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patrick F. Hurney	Testifying for Habitat for Humanity Hawaii Island, Inc.	Support	No

Comments:

Aloha from Hawaii Island,

I strongly support SB 2172!

S.B. NO. 2172 proposes to consolidate proceedings for the amendment of district boundaries on the land involved, and authorizing the county council to approve the district boundary amendment for a project involving land less than fifteen acres as recommended by the planning department. County ordinances enacted to implement section 205-3.1, for district boundary changes involving an area of 15 acres or less require that:

- . Petitions for the boundary amendment be submitted to the planning department (to the planning director in Kauai County); Honolulu and Kauai authorize the City Council or County Council to initiate a petition;
- . The planning departments evaluate the petitions, hold a hearing, submit recommendations to the county council, which will hold a public hearing, before enacting the boundary amendment.

Among the causes of the high costs of housing identified was the cost of added government regulation, which was attributed to the lack of coordination of the housing development efforts among government agencies at all levels.

S.B. No. 2172 proposes to address part of this problem.

Mahalo

Patrick Hurney



**SENATE 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. 2172, RELATED TO HOUSING DEVELOPMENT

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 is in strong support of S.B. 2172**, which provides each county legislative body the ability to review and approve land use district boundary amendments for affordable housing projects on 15 acres or less.

The bill addresses the overlapping land use entitlement process used in Hawaii. Allowing the counties to reclassify lands, especially in areas which the county has identified for urban growth, removes the time consuming process of having the state Land Use Commission reclassify the lands. The counties are responsible for identifying areas for future urban expansion, and are best suited to make these types of urban land use decisions.

We are in strong support of S.B. 2172, and appreciate the opportunity to express our views on this matter.

**LATE**

**SB-2172**

Submitted on: 1/27/2020 4:42:59 PM

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

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

Comments:

This testimony is in opposition to SB2172.

Agricultural and Conservation lands are valuable assets that should be protected, and SB2172 by weakening the protections now provided by the Land Use Commission (LUC) - increases the likelihood of the development of these lands which changes their nature forever.

There are sufficient lands already in place and appropriately zoned within each county to support the future housing needs of Hawaii. The lands already zoned and in urban or residential use should be maximized and where appropriate the density within the existing urban areas increased.

Increasing urban sprawl and the continued rezoning and urbanization of agricultural lands is not the answer and neither is the passage of SB2172. Please kill this bill.

Thank you,

Gary Hooser

E.D. Pono Hawaii Initiative

**LATE**



**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 SB2172 RELATING TO HOUSING  
DEVELOPMENT**

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

My name is Jun Shin. I am 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 **SB2172**, Relating to Housing Development.

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 at this time.

We are very concerned with SB1272 completely removing the Land Use Commission’s (LUC) authority to approve district boundary changes under Section 201H-38 subsection (a) of the Hawai‘i Revised Statutes (HRS) regarding how development of housing projects done by the Hawai‘i Housing Finance and Development Corporation can be exempted from, “all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon.”



Compared to the regular procedure of responding to district boundary amendment petitions within 365 days after filing, projects like affordable housing under Section 201H-38 are streamlined significantly, giving the LUC 45 days to respond after filing. With a lesser time to make decisions, this makes it even more important to ensure that proper accountability is taking place.

The Land Use Commission is required, made even more clear by Supreme Court cases like *Ka Pa'akai O Ka 'Āina v. Land Use Commission* to follow a set of important criteria when it comes to reviewing district boundary amendment petitions that are in line with the Public Trust Doctrine. The LUC looks at how the protection and preservation of natural, cultural, or historical resources that are important, valued, and an integral part of the economy are impacted by these petitions.

Removing LUC authority would remove important safeguards, and much needed expertise that would allow for these resources and traditional and customary practices to be protected for the utilization and enjoyment of present, and future generations. In terms of public participation, the Land Use Commission also allows for parties to have both advanced notice and their legal right to due process, giving these parties the opportunity to participate in contested hearings.<sup>1</sup> This remains an important opportunity for the general public to show up to these meetings, and notably the Native Hawaiian community's opportunity to exercise its traditional and customary rights in an official decision making setting when it comes to development that would affect them. We need to make sure that good governance happens, and there continues to be no restrictions on getting involved in this process. Losing the LUC's authority could mean limiting access to this process.

This would ultimately mean that the Counties would have to put in the extra time and resources to have the hard task of not only maintaining public trust responsibilities, but insure that legal obligations are met with contested hearings. Isn't HRS 201H already an expedited process that allows for County rules to be bypassed through LUC approval? The LUC has noted this hasn't hindered approval of projects in previous testimony to the legislature.<sup>2</sup> With these concerns in mind, Young Progressives Demanding Action is **opposed** to **SB2172**.

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

<sup>1</sup> <https://luc.hawaii.gov/about/district-boundary-amendment-procedures/>

<sup>2</sup> [https://www.capitol.hawaii.gov/session2019/testimony/HB1209 HD1 TESTIMONY WLH 02-13-19 .PDF](https://www.capitol.hawaii.gov/session2019/testimony/HB1209_HD1_TESTIMONY_WLH_02-13-19_.PDF)



Chamber of Commerce HAWAII  
*The Voice of Business*

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

**Tuesday, January 28, 2019 at 1:15 P.M.  
Conference Room 229, State Capitol**

**LATE**

**RE: SB 2172, RELATING TO HOUSING DEVELOPMENT**

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

The Chamber of Commerce Hawaii ("The Chamber") **supports** SB 2172, which would provide to each County legislative body the ability to review and approve land use district boundary amendments for affordable housing projects on 15 acres or less.

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.

This bill helps to address the overlapping land use entitlement process used in Hawaii. Allowing the Counties to reclassify lands, especially in areas where the County has identified for urban growth, removes the time-consuming process of having the State Land Use Commission reclassify the lands. The Counties are already responsible for identifying areas for future urban expansion and are best suited to make these types of urban land use decisions.

Thank you for the opportunity to testify in support of SB 2172.

**SB-2172**

Submitted on: 1/27/2020 12:22:41 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
LaVerne Tolmie	Individual	Support	No

Comments:

I strongly support this bill.