

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

**BEFORE THE SENATE COMMITTEES ON COMMERCE AND CONSUMER
PROTECTION AND WAYS AND MEANS**

**WEDNESDAY, APRIL 7, 2021
9:30 A.M.
VIA VIDEO CONFERENCE**

**HOUSE BILL NO. 247, SD 1
RELATING TO AGRICULTURAL LANDS**

Chairpersons Baker and Dela Cruz and Members of the Committees:

Thank you for the opportunity to testify on House Bill 247, SD 1. This measure amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure:

1. Farm dwellings on agricultural lands are accessory to a farm;
2. Structures on subdivided leasehold subdivisions of agricultural land are subject to county enforcement authority; and
3. Applications for registration of condominium property regimes of agricultural land are to include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, other requirements pursuant to county ordinances and rules, and the "developer's public report" pursuant to Section 514B-52.

The Department of Agriculture supports this measure that partially reflects the input of the Act 278 Stakeholders Group that was assembled and led by the Office of Planning. Although the Act was limited to the City and County of Honolulu, the Stakeholders Group has broad representation. We look forward to working with the Office of Planning and the Stakeholders Group to revisit the issue of quantifying the agricultural activity to which a farm dwelling is accessory.

Thank you for the opportunity to provide testimony on this important measure



Testimony of the Real Estate Commission

**Before the
Senate Committee on Commerce and Consumer Protection
and
Senate Committee on Ways and Means
Wednesday, April 7, 2021
9:30 a.m.
Via Videoconference**

**On the following measure:
H.B. 247, S.D. 1, RELATING TO AGRICULTURAL LANDS**

WRITTEN TESTIMONY ONLY

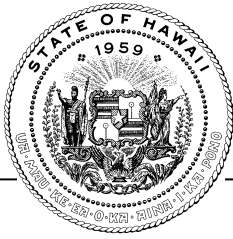
Chair Baker, Chair Dela Cruz, and Members of the Committees:

My name is Carole Richelieu, Senior Condominium Specialist, testifying for Michael Pang, the Chairperson of the Real Estate Commission (Commission). The Commission supports this bill.

The purpose of this bill is to amend certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure condominium property regime projects within the agricultural district are used for agricultural purposes.

In particular, the Commission supports the proposed language in section 3 of the bill amending Hawaii Revised Statutes section 514B-52(b). The developer's public report is a disclosure document. The Commission supports additional disclosure to prospective buyers.

Thank you for the opportunity to testify on this bill.



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 COMMERCE AND CONSUMER PROTECTION
AND
SENATE COMMITTEE ON WAYS AND MEANS

Wednesday, April 7, 2021

9:30 AM

Via Videoconference

in consideration of
HB 247, SD1
RELATING TO AGRICULTURAL LANDS.

Chairs Baker and Dela Cruz, Vice Chairs Chang and Keith-Agaran, and Members of the Senate Committees on Commerce and Consumer Protection and Ways and Means:

The Office of Planning (OP) **supports** HB 247 SD1 which implements major recommendations of the Act 278, Session Laws of Hawaii 2019 study by OP of subdivision and condominium property regime (CPR) issues on agricultural land. The study report was submitted to the 2021 Legislature. With the objectives of keeping suitable agricultural lands for agriculture, supporting farmers, and minimizing subdivisions and CPRs of agricultural lands, OP convened a broad Stakeholders Group including the Department of Agriculture, Real Estate Commission, Agribusiness Development Corporation, Land Use Commission, State Senators and Representatives, City Department of Planning and Permitting, Hawaii Farm Bureau, Hawaii Cattlemen's Council, Land Use Research Foundation, and other agricultural interests.

HB 247 addresses several important recommendations of the study:

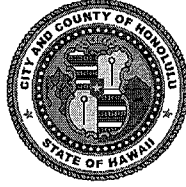
1. Clarifies that a farm dwelling must be accessory to a farm (amends HRS 205-4.5(4)).
2. Allows county enforcement of unpermitted structures in leaseholds subdivisions in the Agricultural District (amends HRS 205-4.5(f)(2)) which has created an enforcement problem.
3. Requires county comments prior to CPR registration (amends HRS 514B-52(b)). Allows counties to review and alert the buyer of infrastructure and environmental deficiencies, and conformance with county codes.

Thank you for hearing this bill and allowing us this opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR



DEAN UCHIDA
DIRECTOR

DAWN TAKEUCHI APUNA
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

April 7, 2021

LATE

The Honorable Rosalyn H. Baker, Chair
and Members of the Committee on Commerce
and Consumer Protection
The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Ways and Means
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Baker, Dela Cruz, and Committee Members:

**Subject: House Bill No. 247, SD 1
Relating to Agricultural Lands**

The Department of Planning and Permitting (DPP) **strongly supports** House Bill No. 247, SD 1, with a suggested amendment.

This Bill will allow meaningful county input in the condominium property regime process involving agricultural lands, in order that these projects be laid out in conformity with the underlying county zoning, State land use district, and the applicable development permits for the proposed use of the land. Each county can then ensure availability of necessary supportive infrastructure, and identify and mitigate any potential negative impacts to environmentally important or culturally significant resources, prior to the piecemeal sale of the property.

The DPP proposes the following amendment to Section 3, Section 514B-52, Hawaii Revised Statutes, which would allow the counties the flexibility and option to require certain information in the agricultural verification statement:

"(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 appropriate county official *may* require that the statement also The

The Honorable Rosalyn H. Baker, Chair
and Members of the Committee on Commerce
and Consumer Protection

The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Ways and Means

Hawaii State Senate

House Bill No. 247, SD 1

April 6, 2021

Page 2

statement shall also include the applicant's assessment and county comments regarding the availability of supportive infrastructure, any potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules. The developer's public report shall include the verified statement in addition to the information required by section 514B-83. The commission shall not accept the registration of a project where a county official has not signed a verified statement."

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

Thank you for the opportunity to testify.

Very truly yours,



Dean Uchida
Director

HB-247-SD-1

Submitted on: 4/2/2021 10:56:33 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Collin Manor	Testifying for Island Banana Bread	Oppose	No

Comments:

Aloha State of Hawaii government officials-

My Wife and I have been tenants of landlords on the island of Maui for the past 15 years. We operate a small business on Maui that makes a family recipe of banana bread and can be found in many cafes and coffee shops. Recently we have been presented an opportunity to acquire farmland that could be cpr'd off of the main parcel at a very reasonable price. We currently use about 400 - 800 lbs of bananas a week in order to manufacture our product and dream about having our own farm that could handle this demand. Unfortunately the real estate on our island has gone above our ability to gain financing for and this affordable option for us to start a farm is being threatened. We would like to farm this 5 acre parcel and build a livable dwelling to house ourselves. Without this opportunity, we will continue to purchase our produce from Ecuador and remain in the landlord tenant hamster wheel. Please consider the low income folks of Hawaii that actually wish to farm small parcels and create a home to call their own.

Mahalo for your time and service to your community.

Collin Manor

Owner of Island Banana Bread

HB-247-SD-1

Submitted on: 4/4/2021 6:01:32 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia L. Gardner	Testifying for We Are One Ministries	Oppose	No

Comments:

Our group of We Are One Ministries on Maui oppose the Bill HB 247 SD1, which is proposed to limit Agricultural CPR's. We all feel this is not justified and this would limit our Community in many ways. We believe this should not pertain to Maui County.



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e-mail info@hfbf.org; www.hfbf.org

April 7, 2021

HEARING BEFORE THE
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
SENATE ON WAYS AND MEANS

TESTIMONY ON HB 247, SD1
RELATING TO AGRICULTURAL LANDS

Conference Room 211
9:30 AM

Aloha Chairs Baker and Dela Cruz, Vice-Chairs Chang and Keith-Agaran, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 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.

The Hawaii Farm Bureau supports HB 247, SD1, which amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure agricultural lands that are organized under a condominium property regime are used for agricultural purposes.

HFB advocates for public policies and incentives that provide for viable farming and ranching activities on agricultural lands thereby retaining agricultural lands for future generations. Lands capable of supporting viable agricultural activities should be protected and kept in agriculture for agricultural production.

We support the retention of agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow **flexibility** in agricultural production and management and discourage the fragmentation of agricultural lands to non-agricultural uses. Lands zoned for agriculture should be used primarily for productive agricultural purposes, including family farming.

The Hawaii Farm Bureau was part of the Stakeholders Group convened by the Office of Planning in response to Act 278, Session Laws of Hawaii 2019. The stakeholder group established the following goals 1) Keep suitable agricultural lands for agriculture; 2)

Support farmers and farming; 3) Keep agricultural lands affordable for farming; 4) Enable long-term access to agricultural lands for farmers, and 5) Minimize subdivision and CPR of productive agricultural lands except for bona fide agricultural reasons.

The Hawaii Farm Bureau supports HB 247, SD1, which recommends amendments to certain land subdivision and condominium property regime laws to ensure that agricultural lands be used primarily for productive agricultural purposes.

Thank you for this opportunity to testify on this important subject.



Email: communications@ulupono.com

SENATE COMMITTEES ON COMMERCE & CONSUMER PROTECTION AND WAYS & MEANS
Wednesday, April 7, 2021 — 9:30 a.m.

Ulupono Initiative supports HB 247 SD 1, Relating to Agricultural Lands.

Dear Chair Baker, Chair Dela Cruz, and Members of the Committees:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

Ulupono supports HB 247 SD 1, which amends certain land subdivision and condominium property regime (CPR) laws related to agricultural land to ensure CPR projects within the agricultural district are used for agricultural purposes.

Ulupono supports the efforts to meet the legislative mandate in Act 278, SLH 2019, which was signed into law asking the Office of Planning to study and report on the ways to ensure agricultural activities on agricultural land. This measure seeks to strengthen the connection between the agricultural district and agricultural activity by authorizing county enforcement and fines for any violation and creating a more transparent project application process.

We applaud the work of the Office of Planning in studying this issue, working with the public and vested stakeholders, and providing a legislative proposal to help address the misuse of agricultural lands.

Thank you for this opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i

JAKOB K. WORMSER
ATTORNEY AT LAW LLLC

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Haiku, Maui, HI 96708

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info@legalserviceshawaii.com

April 5, 2021

TESTIMONY OF
JAKOB K. WORMSER, ATTORNEY AT LAW

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
AND
SENATE COMMITTEE WAYS AND MEANS
Wednesday, April 7, 2021
9:30 AM
Via Videoconference
in consideration of
HB247 SD1
RELATING TO AGRICULTURAL LANDS

Dear Honorable Senators,

I am a real estate attorney on Maui with extensive experience with the Maui County AG Code and the CPR form of ownership. I **STRONGLY OPPOSE HB247 SD1** and authored a [petition that currently has over 1,350 signatures](#) of Hawaii residents who also oppose the Bill. While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form (see my full opposing testimony below).

RECOMMENDED AMENDMENT:

HB247 SD1 must be AMENDED to either exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands. For your convenience, attached/below is my recommended amendment language in red, that would fully satisfy the needs of all interested parties by allowing every county to “comment on” medium/large-scale AG CPRs, while excluding small-scale family CPRs:

For projects containing greater than five units, [T]he
statement shall also include the applicant's assessment and
county comments regarding the availability of supportive
infrastructure, any potential impact on governmental plans
and resources, sensitive environmental resources, and any
other requirements pursuant to county ordinances and
rules. The developer's public report shall include the
verified statement in addition to the information required
by section 514B-83.

OPPOSING TESTIMONY:

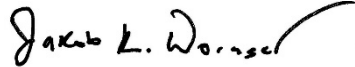
While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands**. HB247 SD1 is unlawful, illogical, and ineffective for the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.
- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.
- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to "circumvent county subdivision requirements." CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property's land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.
- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of

unregulated “Hui” Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.

- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR’s documents “do not contain any prohibited restrictions on agriculture.” This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one sentence statement. To this day, we are still dealing with the repercussions of the County’s inability to correctly interpret the State’s previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

Mahalo for your understanding and action in this matter.



Jakob K. Wormser
Attorney at Law

HB247 SD1

Recommended amendment to applicable section:

SECTION 3. Section 514B-52, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(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. **For projects containing greater than five units,** **[F]the statement shall also include the applicant's assessment and county comments regarding the availability of supportive infrastructure, any potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules. The developer's public report shall include the verified statement in addition to the information required by section 514B-83. The commission shall not accept the registration of a project where a county official has not signed a verified statement.**"

OR

SECTION 3. Section 514B-52, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(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. **For projects located in a county with a population of greater than 750,000, [F]the statement shall also include the applicant's assessment and county comments regarding the availability of supportive infrastructure, any potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules. The developer's public report shall include the verified statement in addition to the information required by section 514B-83. The commission shall not accept the registration of a project where a county official has not signed a verified statement.**"

HB-247-SD-1

Submitted on: 4/5/2021 6:03:46 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Genello	Testifying for mala o ka Pono LLC	Oppose	No

Comments:

My name is Charles Lucas Genello and I own land in Haiku under my buisness mā• la o ka Pono llc. We our starting development on a permaculture food forest on 27 acres of agricultural land in Haiku. This type of project can restore the ecosystem of the surrounding area and is exactly what Maui needs to keep its environment healthy. HB2427 would be detrimental to our permaculture farming operation. **Farming this land is a 24/7 job and in order to build a profitable farm from scratch we need to live here!!** I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands.**

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands.** HB247 SD1 is unlawful, illogical and ineffective for the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County’s AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County’s building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.

- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.
- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to "circumvent county subdivision requirements." CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property's land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.
- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.
- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR's documents "do not contain any prohibited restrictions on agriculture." This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one sentence statement. To this day, we are still dealing with the repercussions of the County's inability to correctly interpret the State's previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

HB247 SD1 in its current form is unacceptable and must be AMENDED to exempt small-scale CPR projects of 5 units or less or exclude the neighbor islands.

HB-247-SD-1

Submitted on: 4/3/2021 12:52:18 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Arbeit	Individual	Support	No

Comments:

We have so many instances of luxury housing being build where workforce housing was the intent. Here we have an instance of what was supposed to be housing for farm workers being taken over by gentleman farmers. No more.

I support this bill that will strengthen the original intent to provide support for farmers and their workers by ensuring that condominium property regime projects within the agricultural district are used for agricultural purposes.

HB-247-SD-1

Submitted on: 4/4/2021 11:58:50 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gail Swanson	Individual	Support	No

Comments:

When CPRs first began in AG lands (Launiupoko) they were priced lower, which gave Buyers some incentive for taking on a potentially higher liability form of ownership. Now they are priced the same, the docs are rarely current and correct, and it seems like the market is flooded with CPR properties. When one owner breaks county rules, both owners can be held responsible. I think there will be alot of lawsuits between owners as time goes on. I realize that CPRing benefits Sellers but in this market it is of no benefit to buyers. I think the public doesn't fully understand the pros and cons and many realtors do not fully explain. Maybe in the future, you could re-visit CPRs but for now I really think its best to stop allowing them. Protect the public. CPRS should be few and far between, but they are much too common now. Thank you!

HB-247-SD-1

Submitted on: 4/2/2021 11:38:39 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
glenn tremble	Individual	Oppose	No

Comments:

As a realtor and owner of a small agricultural lot in Haiku - I strongly oppose this bill, this is obviously targeted to address an Oahu problem where zoning allows 1 acre lots. Maui has a much more restrictive zone ordinance, basically only allowing a main house and an additional farm dwelling of 1000 sqf. Many families use the CPR process to as a reasonable way to separate the property for family members to each have their own parcel. This bill would effectively eliminate this option. A compromise would be to amend the language to only apply to larger projects .(see below)

SECTION 3. Section 514B-52, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(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 205â€‘4.6. **For projects containing more than five units, [F]**the statement shall also include the applicant's assessment and county comments regarding the availability of supportive infrastructure, any potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules. The developer's public report shall include the verified statement in addition to the information required by section 514B-83. The commission shall not accept the registration of a project where a county official has not signed a verified statement."

Thank you for hearing my testimony.

HB-247-SD-1

Submitted on: 4/2/2021 1:20:21 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

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

Comments:

I STRONGLY OPPOSE SB340/HB247 AND DEMAND THAT THE BILL BE KILLED OR AMENDED TO EXCLUDE THE NEIGHBOR ISLANDS AND EXEMPT AGRICULTURAL CPRS CONTAINING 3 OR FEWER UNITS FOR THE FOLLOWING REASONS:

1. INCORRECTLY APPLIES FINDINGS OF CITY AND COUNTY OF HONOLULU AG ZONING/BUILDING CODE STUDY TO ALL COUNTIES: The Bill is based entirely on a study entitled "ACT 278 STUDY OF SUBDIVISION AND CPR ON AGRICULTURAL LANDS ON OAHU," which examines the failures of the City and County of Honolulu's agricultural zoning/building codes and is NOT applicable to any other county in the State. The stated intent of the study is "Proposed Improvements to Regulating Agricultural Lands on Oahu"; however, the proposed legislation would apply to the State as a whole. SB340/HB247 must be amended to exclude the neighbor islands due to the fact that all agricultural zoning/building/infrastructure/environmental regulations are county-specific.

2. INAPPROPRIATELY PENALIZES SMALL-SCALE FAMILY CPRS ON ALL ISLANDS FOR THE CITY AND COUNTY OF HONOLULU'S FAILURE TO REGULATE LARGE-SCALE AGRICULTURAL DEVELOPMENTS ON OAHU: All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs, which are the direct result of the City and County of Honolulu's AG-1 and AG-2 zoning designations. These designations allow for multiple dwellings on large agricultural lots without requiring proper infrastructure. SB340/HB247 must be amended to exempt small-scale agricultural CPRs of less than 3 units.

3. WRONGLY ATTEMPTS TO REMEDY CITY AND COUNTY OF HONOLULU REGULATORY FAILURES BY CHANGING THE ENTIRE STATE'S LAWS: By law, the state is responsible for the general designations of permitted uses on agricultural lands; all other agricultural land use regulations are the domain of the counties, controlled via their county codes. It is highly inappropriate for the State of Hawaii to take over the City and County of Honolulu's job of regulating county-specific agricultural zoning/building/infrastructure issues by changing the entire State's agricultural zoning designation. For example, unlike the City and County of Honolulu, Maui County agricultural zoning codes clearly stipulate that ALL agriculturally zoned parcels, regardless of size, may qualify for permits to build no more than two (2) farm dwellings, only after implementation of farming activities. Furthermore, the County of Maui also

requires infrastructure improvements for all parcels with more than 3-dwellings, regardless of zoning. As such, the issues of agricultural use, infrastructure improvements, over-development of agricultural lands, and County participation in the CPR process are already thoroughly addressed by the County of Maui. If other counties, such as the City and County of Honolulu, wish to “participate in the CPR process,” then their county council members must do so by strengthening and enforcing their county’s land use codes. SB340/HB247 must be killed immediately and referred to the City and County of Honolulu’s County Council where it belongs.

4. BASED ON A FUNDAMENTAL MISUNDERSTANDING OF THE CPR FORM OF OWNERSHIP: Condominium Property Regimes (“CPRs”) are NOT in any way related to SUBDIVISIONS because they do NOT create separate lots. As such, CPRs never change a property’s land use, zoning, building density, permitting, infrastructure requirements, building codes, community plans, island plans or urban growth boundaries. A CPR is a form of ownership (like tenants in common) and submission of a property to a CPR does not create any additional infrastructure requirements or environmental impacts. The Bill perpetuates the erroneous belief that the CPR process can be used to “circumvent county subdivision requirements,” and fails to address property overdevelopment and lack of infrastructure, which are exclusively county zoning/enforcement issues. If passed, this Bill would likely create thousands of unregulated Tenants in Common Agreements, which essentially allow a property owner to sell a defined portion of their property to a co-tenant without any State or county oversight.

5. DAMAGES THE LOCAL ECONOMY, ELIMINATES JOBS, AND REDUCES TAX REVENUES: Negative impacts of SB340/HB247 on our State economy include 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 detrimental far reaching effects on the entire real estate industry and local residents.

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

7. UNNECESSARY AND UNFAIR: SB340/HB247 unfairly targets the CPR form of ownership, which is already authorized and highly regulated under Chapter 514-B of the Hawaii Revised Statutes for all parcels. Strengthening 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.

8. **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.

9. **DISCRIMINATORY AND UNLAWFUL:** SB340/HB247 is discriminatory in that it will disproportionately affect agricultural landowners (especially small private landowners, farmers, and families). The Bill borders on a “regulatory taking” because it would unreasonably prevent private property owners from making economically viable use of their land, potentially resulting in litigation against the State for just compensation.

HB-247-SD-1

Submitted on: 4/5/2021 8:25:43 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elie Kato	Individual	Oppose	No

Comments:

To the Honorable Chairs Gabbard and Inouye, Vice Chairs Nishihara and Keith-Agaran, and Committee members.

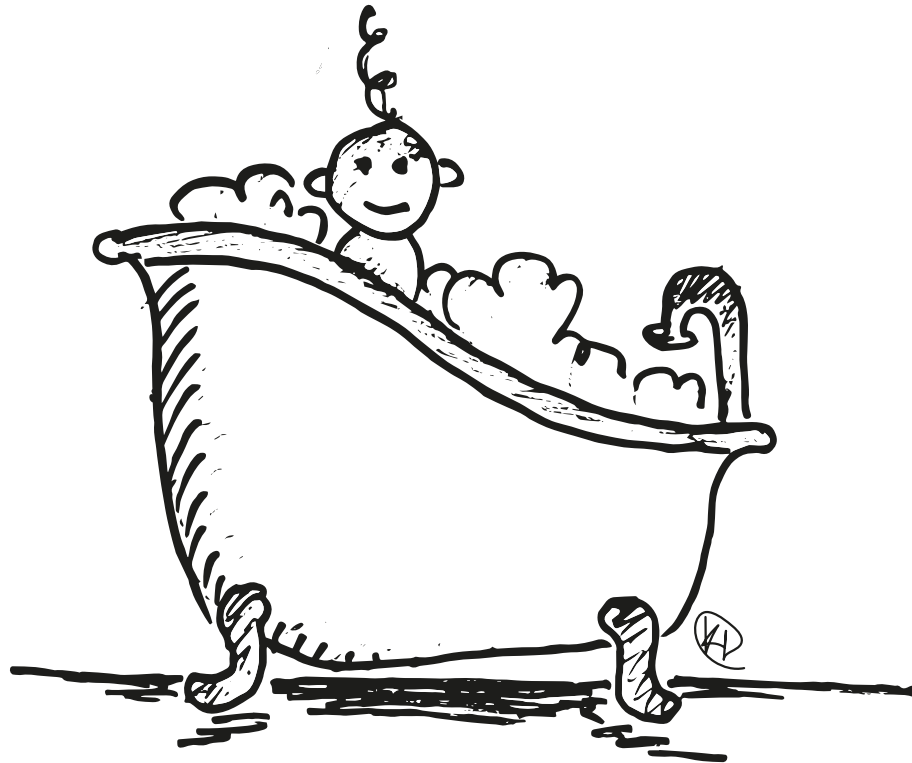
My name is Elie Kato, from Maui and I oppose HB 247.

The report that is the foundation of this bill only studied an issue on Oahu and not the neighbor islands. Please stop HB247 and send your recommendations to the County of Honolulu for them to implement their solutions to their problems. If you don't stop the bill, then at least exclude the neighbor islands from these extreme measures.

I am also opposed to the \$10,000 annual income requirement in this bill. This will force owners to upscale their agriculture production without regard to the crops or livestock they want to grow, the size of their parcel, access to water, the location (windward or leeward, mountain or ocean). The topography (hills and gullies) or carrying capacity of their land. Not to mention annual variations in agriculture production. As a result, it will impose an extraordinary burden on the people. In addition, the Department of Taxation commented that this income verification as proposed in this bill is insufficient to "accomplish its desired screening goals".

Thank you,

Don't throw the baby out
with the bath water!



HB247 must be amended to exempt
small scale CPR projects of 5 units or less
or
exclude the neighbor islands.

-Kjell Linder, Maui Resident

HB-247-SD-1

Submitted on: 4/5/2021 7:57:26 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

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

Comments:

My name is Steven Wormser , I live in Haiku, Maui and I am a contractor and subsistence farmer. I strongly OPPOSE HB247 SD1 and request that you AMEND the Bill to exempt small scale CPR projects of 5 units or less or exclude the neighbor islands.

Please take our concerns seriously and do not restrict our rights as property owners with this poorly conceived change to the law.

Current CPR law is one of the few opportunities that small agricultural land owners have of passing their properties to their children and important for estate planning purposes and provide separate units of value for their family and allows the properties to stay in families and small agricultural purposes.

While the intent of the Bill is commendable, HB247 in its current form is unacceptable and must be AMENDED to exempt small-scale CPR projects of 5 units or less and/or exclude the neighbor islands.

HB247 is unlawful, illogical, and ineffective for the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without even bothering to study whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL agricultural CPRs on Maui are small-scale family CPRs containing 2 units.

- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.
- HB247 perpetuates the completely erroneous belief that the CPR process can somehow be used to "circumvent county subdivision requirements." CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property's land-use, building density, or infrastructure requirements. CPRs are not in any way related to subdivisions because they do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.
- Even if this bill is passed, it will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements), which continue to provide a shared ownership option with ZERO State regulation or consumer protection.
- HB247 creates an unspecified, unfunded, and unattainable County review process and additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. This bill will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.

Steven Wormser

HB-247-SD-1

Submitted on: 4/2/2021 3:23:36 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Kern	Individual	Oppose	No

Comments:

Locally grown food sounds great, but because of the high cost of living related to high housing costs, it isn't going to happen on an economic basis, CPR's are one way to add housing in a state that seems unable to do it themselves, doing all they can to limit low cost housing, such as modular homes.

The assumption is that if we stop CPRs, more agricultural land would be used for agriculture, but if it costs \$30/hour for labor, because the housing market demands a \$2000/month rent minimum, you aren't going to be able to harvest locally anyway.

Have the best of both worlds. If the land is CPR'd, demand that agriculture happen proportionally to living space. if the land is CPR'd, then the owner will have to show how increased production will happen on that land with every increased sq foot of living space.

HB-247-SD-1

Submitted on: 4/5/2021 6:47:04 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John NAYLOR	Individual	Oppose	No

Comments:

Aloha,

I oppose as written because it appears to be Oahu specific. Please send this back to the drawing board.

Mahalo, JN

HB-247-SD-1

Submitted on: 4/2/2021 4:53:54 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
ROBERT SWIFT	Individual	Oppose	No

Comments:

We own an AG lot on Maui as a family which is 5 acres in area. We have CPR'd the lot and made a cottage lot and a main house lot, which is perfect for our family's needs. Since the strict zoning restrictions on Maui only allow for 2 dwellings on an AG lot of any size, I do not see why restrictions should be added on CPR divisions of AG lots on Maui. As it is, the regulations work well and allow families to share ownership of lots, or sell part of a lot in order to make their portion more affordable.

HB-247-SD-1

Submitted on: 4/5/2021 4:42:42 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel A McEvoy	Individual	Oppose	No

Comments:

Aloha State Legislators,

My family and I strongly oppose restricting CPR's for our Maui. After nearly 15 years waiting for water we finally recieved the approval to upgrade our meter last month. We have been saving to build an ohana in hopes of doing the CPR so we could pass something affordable to our kids.

This new legislation would kill our dreams of giving our kids a way to live on maui without crippling debt. We have been focused on being able to CPR our ag land so we could give each kid an affordable house to live in when we pass. If they could not afford both houses in the future they would have the opportunity to sell one of the homes to and keep the other so they do not get priced out of the Island they were born and raised on.

Maui is desperate for affordable housing and subdividing ag lands in to two units is a perfect way to do so. Much less impactful than major developments that end up not being affordable at the end of the day.

Please kill this proposal or at a minimum remove Maui County from this proposed legislation.

Mahalo,

Daniel McEvoy

1740 Kokomo Rd Haiku, Hi 96708

HB-247-SD-1

Submitted on: 4/4/2021 9:19:04 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ken Stover	Individual	Oppose	No

Comments:

Since this bill is based on a study of Oahu's agricultural lands only, which allow for much greater building density than Maui County, this bill should be killed or at a minimum NOT apply to Maui County.

HB-247-SD-1

Submitted on: 4/2/2021 8:07:57 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Polakow	Individual	Oppose	No

Comments:

My name is Jason Polakow and I'm a professional 2 time world windsurfing champion, living on the island of Maui , also a small time developer .

Im not saying this Bill is not warranted in Oahu, as I do see how major developers have used the current CPR laws to their advantage, but there are so many more small time developers, particularly on the outer islands, that do play by the rules and do have respect for how the island is developed. Please DO NOT pass such a harsh Bill, due to a few big players and their greed on Oahu.

I humbly ask that the Bill HB247 be amended to exempt small scale CPR projects of 5 units or less or exclude the neighbor islands"

HB-247-SD-1

Submitted on: 4/2/2021 8:09:10 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
marcilio browne	Individual	Oppose	No

Comments:

I believe the current CPR rules work very well on Maui and is already very restrict as only 2 dwellings are allowed per AG lot. The current rule allowed me and one of my best friends to buy a 2 acre lot , CPR and build homes for each of our families . Without this rule it would have been really difficult for us to be able to afford to have our homes .

HB-247-SD-1

Submitted on: 4/4/2021 8:40:13 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Palmer	Individual	Oppose	No

Comments:

To Whom It May Concer

HB247 is using a sledgehammer to pound a nail. Please exempt small property oners from this bill which is aimed at larger developments on Oahu. I own a small ag property in Kula, Maui, and would like to see this bill refer to Oahu only or be modified to exempt smaller parcels. Thank you.

John Palmer

HB-247-SD-1

Submitted on: 4/4/2021 7:42:56 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Walin	Individual	Oppose	No

Comments:

Aloha

I strongly oppose SB340 / HB247.

I suggest that the bill be amended to exclude small scall ag subdiviosn of 5 or less.

Mahalo.

Ben Walin

HB-247-SD-1

Submitted on: 4/4/2021 7:21:03 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tiffini Connelly	Individual	Oppose	No

Comments:

To Whom it may concern,

My name is Tiffini Connelly and I live at 821 Kauaheahe Pl in Haiku on Maui. I use my land as a family homestead where we raise animals and grow food for our family and people in our community. I **strongly oppose HB247**, and I urge you to either eliminate this bill or revise it to apply to the island of Oahu only.

HB247 is unlawful, illogical and ineffective for the following reasons:

The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu.

Maui County does not have the same issues as Oahu. For example, Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process. Maui County does NOT share this issue. Under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. Period. These building limitations, as part of Maui's comprehensive zoning code passed in 1998, were specifically designed to preserve Maui's agricultural resources.

It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures without accessing how the neighbor islands will be affected. Agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.

HB247 perpetuates the erroneous belief that the CPR process can be used to "circumvent county subdivision requirements" and will not prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits for one dwelling PER ACRE. As currently written, the Bill will likely lead to thousands of

unregulated “Hui” Sales (Tenants in Common Agreements), which continue to provide a shared ownership option with ZERO County or State regulation.

CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs DO NOT change a property’s building density or infrastructure requirements. The State has repeatedly introduced legislation that perpetuates this misconception; this needs to stop.

HB247 creates an unspecified, unfunded and unattainable County review process and an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis.

While the intent of the Bill is commendable, HB247 in its current form is unacceptable and misguided. The Bill must be killed or revised to apply to the island of Oahu only.

Mahalo for your understanding and action in this matter.

Sincerely,

Tiffini Connelly

HB-247-SD-1

Submitted on: 4/4/2021 6:54:32 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Charlie Beach	Individual	Oppose	No

Comments:

To whom this may concern;

I am a husband, father and avid edible landscaper on Maui. It is my belief that while this bill may have an interest and intention to conserve agricultural land use, it is in fact limiting and restricting to residents looking to live and grow food on ag land with any realistic affordability. My wife and I are currently working with a land owner in Upcountry Maui to cpr his 2 acre lot and purchase the cottage portion. There is an existing thriving fruit orchard, and a great deal of land open to creative edible landscape installations and in-ground crops. The owner cannot actualize the full potential of this property on his own, it's simply too much land. My wife and I cannot afford a 2 acre lot with a home, so our arrangement to CPR the lot is a beautiful solution of mutual benifet. Allowing us an opportunity to purchase a relatively affordable home with enough land to grow crops. Please consider my family's reality in relative to this restrictive bill. I do believe there is a way to address the key issues on Oahu without creating a detriment to residents like myself trying to own a small peice of Aina for family and food.

Mahalo, Charlie

Ladies and Gentlemen,

My name is James Haynes, I live in Makawao Maui, and I was born and raised in Hawaii. I ***strongly oppose HB247***, and I urge you to either eliminate this bill or revise it to apply to the island of Oahu only.

HB247 is unlawful, illogical and ineffective for the following reasons:

The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu.

Maui County does not have the same issues as Oahu. For example, Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process. Maui County does NOT share this issue. Under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. Period. These building limitations, as part of Maui's comprehensive zoning code passed in 1998, were specifically designed to preserve Maui's agricultural resources.

It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures without accessing how the neighbor islands will be affected. Agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.

HB247 perpetuates the erroneous belief that the CPR process can be used to "circumvent county subdivision requirements" and will not prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits for one dwelling PER ACRE. As currently written, the Bill will likely lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements), which continue to provide a shared ownership option with ZERO County or State regulation.

CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs DO NOT change a property's building density or infrastructure requirements. The State has repeatedly introduced legislation that perpetuates this misconception; this needs to stop.

HB247 creates an unspecified, unfunded and unattainable County review process and an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis.

While the intent of the Bill is commendable, HB247 in its current form is unacceptable and misguided. The Bill must be killed or revised to apply to the island of Oahu only.

Mahalo for your understanding and action in this matter.

Sincerely,

James Haynes

HB-247-SD-1

Submitted on: 4/4/2021 2:17:25 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Douglas	Individual	Oppose	No

Comments:

Aloha, I live on Maui. I strongly oppose HB247, and I urge you to either eliminate this bill or revise it to apply to the island of Oahu only.

HB247 is unlawful, illogical and ineffective for the following reasons:

The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu.

Maui County does not have the same issues as Oahu. For example, Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process. Maui County does NOT share this issue. Under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. Period. These building limitations, as part of Maui's comprehensive zoning code passed in 1998, were specifically designed to preserve Maui's agricultural resources.

It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures without accessing how the neighbor islands will be affected. Agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.

HB247 perpetuates the erroneous belief that the CPR process can be used to "circumvent county subdivision requirements" and will not prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits for one dwelling PER ACRE. As currently written, the Bill will likely lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements), which continue to provide a shared ownership option with ZERO County or State regulation.

CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs DO NOT change a property's building density or infrastructure requirements. The State has repeatedly introduced legislation that perpetuates this misconception; this needs to stop.

HB247 creates an unspecified, unfunded and unattainable County review process and an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis.

While the intent of the Bill is commendable, HB247 in its current form is unacceptable and misguided. The Bill must be killed or revised to apply to the island of Oahu only.

Mahalo for your understanding and action in this matter.

HB-247-SD-1

Submitted on: 4/5/2021 9:19:23 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Curt Banziger	Individual	Oppose	No

Comments:

State Representatives,

I oppose HB247. It needs to exempt small scale CPR projects and /or exempt CPR projects on neighboring islands.

Thanks for your consideration, Curt Banziger

HB-247-SD-1

Submitted on: 4/5/2021 9:48:37 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Terese I Masters	Individual	Oppose	No

Comments:

Aloha,

I would like to submit testimony opposing HB247 SD1.

I feel that passing state wide legislation based on ONE Oahu-centric study with little to no input from neighbor island counties is irresponsible. From reading this Bill, it sounds like a City and County of Honolulu Planning Dept. problem and not a state wide issue.

The issues in the report are valid, but they do not belong in state legislature. The City and County of Honolulu County Council need to amend their zoning laws to limit the amount of building allowed constructed on Ag land.

In Maui County our zoning code only allows for two dwellings on Ag land, no matter how many acres the lot is. We don't have a density/infrastructure issue, we have an affordable housing issue.

Please don't pass sweeping legislation without first researching/reporting on the rest of the Counties in the state.

Mahalo for your time,

Terese Masters

Ladies and Gentlemen,

My name is Juan J. Giliberto, I live in Maui and I am architect. I *strongly oppose HB247*, and I urge you to either eliminate this bill or revise it to apply to the island of Oahu only.

HB247 is unlawful, illogical and ineffective for the following reasons:

The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu.

Maui County does not have the same issues as Oahu. For example, Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process. Maui County does NOT share this issue. Under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. Period. These building limitations, as part of Maui's comprehensive zoning code passed in 1998, were specifically designed to preserve Maui's agricultural resources.

It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures without accessing how the neighbor islands will be affected. Agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.

HB247 perpetuates the erroneous belief that the CPR process can be used to "circumvent county subdivision requirements" and will not prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits for one dwelling PER ACRE. As currently written, the Bill will likely lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements), which continue to provide a shared ownership option with ZERO County or State regulation.

CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs DO NOT change a property's building density or infrastructure requirements. The State has repeatedly introduced legislation that perpetuates this misconception; this needs to stop.

HB247 creates an unspecified, unfunded and unattainable County review process and an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis.

While the intent of the Bill is commendable, HB247 in its current form is unacceptable and misguided. The Bill must be killed or revised to apply to the island of Oahu only.

Mahalo for your understanding and action in this matter.

Sincerely,

Juan J. Giliberto

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HB-247-SD-1

Submitted on: 4/5/2021 10:48:13 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hugh Starr	Individual	Oppose	No

Comments:

Aloha Senators:

The Neighbor Islands are not C&C; the negative impacts of HB247 on all of our Outer Island families on Agricultural lands are significant. Pls consider the relevant distinctions before considering your support for this Bill...**one size does not fit All** in this situation. **I oppose HB 247 SD1** as presently drafted.

Aloha, Hugh Starr

HB-247-SD-1

Submitted on: 4/5/2021 12:24:29 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Best	Individual	Oppose	No

Comments:

This bill should apply to the island of Oahu only.

But I understand that it may be unlawful and needs to be scrutinized further.

HB-247-SD-1

Submitted on: 4/5/2021 2:47:29 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia L Warner	Individual	Oppose	No

Comments:

Dear Senator;

My name is Cynthia Warner, I live in Makawao on Maui and I am a *business owner*. I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands**.

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands**. HB247 SD1 is unlawful, illogical and ineffective for the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.
- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and

enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.

- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to “circumvent county subdivision requirements.” CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property’s land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.
- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated “Hui” Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.
- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR’s documents “do not contain any prohibited restrictions on agriculture.” This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one sentence statement. To this day, we are still dealing with the repercussions of the County’s inability to correctly interpret the State’s previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

HB247 SD1 in its current form is unacceptable and must be AMENDED to **exempt small-scale CPR projects of 5 units or less or exclude the neighbor islands.**

Mahalo for your understanding and action in this matter.

HB-247-SD-1

Submitted on: 4/5/2021 3:32:20 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Payne	Individual	Oppose	No

Comments:

My name is Dylan Payne , I live in Lahaina on Maui on land that is zoned Agriculture. My family have lived on Agriculturally zoned land on Maui for the last 30 years. I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands.**

While the intent of the HB247 SD1 is understandable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands.** HB247 SD1 is unlawful, illogical and ineffective for the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of **Oahu**; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County’s AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County’s building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.
- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to “circumvent county subdivision requirements.” CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property’s land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has

repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.

- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated “Hui” Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.
- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR’s documents “do not contain any prohibited restrictions on agriculture.” This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one sentence statement. To this day, we are still dealing with the repercussions of the County’s inability to correctly interpret the State’s previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

HB247 SD1 in its current form is unacceptable and must be AMENDED to **exempt small-scale CPR projects of 5 units or less or exclude the neighbor islands.**

Mahalo for your understanding and action in this matter.

HB-247-SD-1

Submitted on: 4/5/2021 3:58:21 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Carter	Individual	Oppose	No

Comments:

To whom it may concern,

My husband and I co-own a humble piece of ag land on the North Shore of Maui. We have over 100 coconut and avocadoe trees but we are not an income producing farm, we trade and give away. We got a divorce and were planning to condominiumize in the next year in order to be able to sell independently, if and when we wish or keep it but be able to live independently. If we are able to keep it we would like to be able to pass it down to our children, who are born and raised on Maui and would like them to be able to own independent from one another. We are low income and if we sell the land now, we will never be able to afford to own anything in the islands again.

I am asking that you make provisions in this bill for low income folks to be able to take care of themselves and their family in this ever more difficult housing situation.

Also I agre with the following statements:

HB247 is unlawful, illogical and ineffective for the following reasons:

The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu.

Maui County does not have the same issues as Oahu. For example, Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process. Maui County does NOT share this issue. Under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. Period. These building limitations, as part of Maui's comprehensive zoning code passed in 1998, were specifically designed to preserve Maui's agricultural resources.

It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures without accessing how the neighbor islands will be affected. Agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.

HB247 perpetuates the erroneous belief that the CPR process can be used to “circumvent county subdivision requirements” and will not prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits for one dwelling PER ACRE. As currently written, the Bill will likely lead to thousands of unregulated “Hui” Sales (Tenants in Common Agreements), which continue to provide a shared ownership option with ZERO County or State regulation.

CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs DO NOT change a property’s building density or infrastructure requirements. The State has repeatedly introduced legislation that perpetuates this misconception; this needs to stop.

HB247 creates an unspecified, unfunded and unattainable County review process and an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis.

While the intent of the Bill is commendable, HB247 in its current form is unacceptable and misguided. The Bill must be killed or revised to apply to the island of Oahu only.

Mahalo for your understanding and action in this matter.

thanks for considering this, Christine Carter

HB-247-SD-1

Submitted on: 4/5/2021 4:12:05 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael David Newbro	Individual	Oppose	No

Comments:

Dear Senators,

My name is Michael Newbro, I live in Paia, Maui and I am a construction manager. As a six (6) generation kama'aina, I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands.**

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands.** HB247 SD1 is unlawful, illogical and ineffective for the following reasons:

Here on the neighbor islands, having the opportunity to CPR small AG lots allows kama'aina to split small AG properties into parcels that can provide our family members a chance of affordable housing and an ability to live here in the islands. Without these, it is nearly impossible for our children to come home to Hawaii, after college, and afford a place to live. Here on Maui, we are not the same as what is happening on Oahu. There are still AG parcels less than five (5) acres that can be CPR'd into parcels that give our keiki a chance to live here!

Other reasons include:

- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.
- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to "circumvent county subdivision requirements." CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property's land-use, building density, or infrastructure requirements. CPRs are

fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.

- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
-

HB247 SD1 in its current form is unacceptable and must be AMENDED to **exempt small-scale CPR projects of 5 units or less** or **exclude the neighbor islands**.

Mahalo for your understanding and action in this matter.

Sincerely,

Michael Newbro
117 Kuau Beach Place
Paia, HI 96779
M (808) 264-6678
[Email: kalanikaiohana@me.com](mailto:kalanikaiohana@me.com)

HB-247-SD-1

Submitted on: 4/5/2021 3:39:56 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Hayo	Individual	Oppose	No

Comments:

Aloha,

My name is Ken Hayo and I live in Kula, Maui and I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exclude the neighbor islands as done previously**.

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to **exclude the neighbor islands**. HB247 SD1 is unlawful, illogical and ineffective for the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.
- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.
- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to "circumvent county subdivision requirements." CPRs are a form of property ownership that are already highly regulated by the State and County on Maui. Just like all other forms of co-ownership, CPRs do NOT

change a property's land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.

- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.
- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR's documents "do not contain any prohibited restrictions on agriculture." This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one sentence statement. To this day, we are still dealing with the repercussions of the County's inability to correctly interpret the State's previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

HB247 SD1 in its current form is unacceptable and must be AMENDED to **exclude the neighbor islands**.

Mahalo for your understanding and action in this matter.

Sincerely,

Kenneth M. Hayo

HB-247-SD-1

Submitted on: 4/5/2021 4:45:34 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Hipp	Individual	Oppose	No

Comments:

I would like to stress my opposition to this measure as the study did not include any islands outside of Oahu. In it's present form the bill would be harmful to our island. It isn't right that Oahu's problems are applicable to Maui and other islands. Please exempt all other islands from this bill.

Sincerely,

Gary Hipp

HB-247-SD-1

Submitted on: 4/5/2021 4:58:45 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
sam small	Individual	Oppose	No

Comments:

This legislation, though well intended I'm sure, seems very misguided.

First let me say I live on Maui, not Oahu. The study that this legislation is based on focused exclusively on land development abuse on Oahu, not the outer-islands.

Oahu has different zoning issues and different forms of abuse than what Maui has, so right off the bat I question why Maui or the other islands are to be impacted by legislation that is targeted to solving only Oahu's problems.

As per the Maui County Code ALL AG lots, no matter the acreage, are only ever allowed to build a primary farm dwelling of any size and a secondary farm dwelling no more than 1000 sq ft. Doing a

CPR is not at all the same as doing a subdivision, A CPR does not allow me to change the density of land use the way that a subdivision does.

With no change in residential density from a CPR, why would an doing a CPR trigger the need for an environmental study? There's no use or density change and so there's no environmental impact to study. No land use actually changes.

As well, I read the study and the problems identified of Oahu are not well solved by the State adding an environmental study just for CPR's. The problems seem to arise from Oahu's flawed zoning and Oahu's solution is best found in the Honolulu County Council changing Oahu's zoning.

CPRs are not the the source of Oahu's problems and it seems misguided to think that the state adding an environmental impact study requirement for CPR's will solve Oahu's zoning problem.

Also, even the specifics of what parcels this legislation applies to do not appear to be based on any practical reality. The Hawaii State Land Study productivity rating is not parcel specific. My parcel is a mix, approximately 70% of my land is in a gulch, rated "X" and is not farmable. Only around 30% of my land is rated "B" and this legislation is unclear as to whether my mixed parcel will be included in the new EIS

requirement. This legislation is not specifically targeted enough to be meaningful and will likely only lead to lawsuits.

And finally, neither Maui's Planning nor Public Works departments have the staff with experience to evaluate an environmental study and declare a parcel go to go for CPR. Maui used to require AG parcels to submit a detailed Farm Plan to be reviewed but they did away with that a few years back because no one was at hand who could credibly review them. Now all that's required is for the land owner to sign an affidavit stating that they have sufficient agriculture taking place. Maui no longer reviews Farm Plans for their validity or efficacy, what would you expect them to do with a needless Environmental Impact Study that would cost me thousands of dollars to generate?

Again, this legislation, though well intended I'm sure, seems very misguided.

Thanks
Sam Small
Makawao

HB-247-SD-1

Submitted on: 4/5/2021 4:40:52 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua I Dean	Individual	Oppose	No

Comments:

My name is Joshua Dean. I am 43 years old, born and raised in Lahaina, Maui. I have many friends who live on CPR portions of an Ag lot. In Maui, an Ag lot is limited to 2 farm dwellings regardless of the size of the Ag lot. The CPR does not allow for more dwellings. This law, as it is currently written, would further degrade the already desperate affordable housing situation in Maui. CPR's on Ag land have allowed local families that I know to have the opportunity to purchase land at a reasonable price and build a modest home with a small farm or livestock. Furthermore, others could purchase a CPR'd portion of a lot without the farm dwelling for an affordable price and start a farm. By not allowing CPR's in Maui, the State would essentially be killing opportunities for local families with modest incomes from ever owning Ag land. Ag land would be reserved for only the wealthy. If the State is insistent on passing something to deal with problems that Oahu is facing, the bill should be written to exempt neighbor islands.

Mahalo for you time.

HB-247-SD-1

Submitted on: 4/5/2021 5:14:03 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Francisco Goya	Individual	Oppose	No

Comments:

My name is Francisco Goya, I live on Paia, Maui and I am a business owner. I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exempt small-scale CPR projects of 4 units or less OR exclude the neighbor islands.**

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 4 units or less OR exclude the neighbor islands.** Here the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County’s AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County’s building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.
- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department’s job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.
- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to “circumvent county subdivision requirements.” CPRs are a form of property ownership that is already highly regulated by the State.

Just like all other forms of co-ownership, CPRs do NOT change a property's land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.

- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.
- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR's documents "do not contain any prohibited restrictions on agriculture." This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one-sentence statement. To this day, we are still dealing with the repercussions of the County's inability to correctly interpret the State's previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

HB247 SD1 in its current form is unacceptable and must be AMENDED to **exempt small-scale CPR projects of 4 units or less or exclude the neighbor islands.**

Mahalo,

Sincerely,

Francisco Goya

HB-247-SD-1

Submitted on: 4/5/2021 5:22:03 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
yigit unlu	Individual	Oppose	No

Comments:

Yigit Unlu

2315 Kokomo Rd , Haiku , HI

This bill addresses ONLY LARGE SCALE AG lot CPR problems for ONLY Honolulu county

These problems should be addressed by Honolulu county by law, not by state

If state has to take action for reasons that are not clear to me

Current form of the bill should exclude

1) neighbor islands

2) small CPR projects

or further studies have to be made and bill should be ammended

HB-247-SD-1

Submitted on: 4/5/2021 5:30:02 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William Jalbert	Individual	Oppose	No

Comments:

Aloha Members of the Commerce and Consumer Protection and Ways and Means Committees,

My name is Billy Jalbert and I own a small real estate brokerage on the North Shore of Maui. I have been selling real estate on the North Shore for nearly 20 years. We have reached a crisis level of affordability for housing on Maui.

Small scale, two unit A CPR's are not the answer to this affordability crisis, but they certainly help to make micro-agricultural projects and home ownership more accessible to everyone. HB247 SD1 would eliminate these prevalent, economically viable, small scale CPR opportunities on the neighbor islands.

My last sale of 2020 was to a local family (a mother and son), who purchased a B unit CPR (entitled to build a 1,000 square foot auxiliary farm dwelling) that will enable them to share their dream of home ownership on Maui. Without the Ag CPR process, their dream would have remained unfulfilled.

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands.

The bill seems not only unfair, but unwise.

Legislation that is drafted based on a study of AG building and zoning code problems on the island of Oahu does not make sense to impose on the neighbor islands. NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands. As for the problems, I cannot attest to the other islands, but they are not a problem on Maui!

The concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure

requirements as part of Honolulu County's building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.

As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.

HB247 SD1 in its current form is unacceptable and must be AMENDED to **exempt small-scale CPR projects of 5 units or less, or exclude the neighbor islands.**

With aloha and appreciation,

Billy Jalbert

Principal Broker / Owner

The Maui Real Estate Team, Inc.

HB-247-SD-1

Submitted on: 4/6/2021 8:16:56 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ian Hollingsworth	Individual	Oppose	No

Comments:

Dear Senator,

My name is Ian Hollingsworth, I live in Launiupoko, Maui and I am the owner of Imagine It Builders, Corp. I strongly **OPPOSE** HB247 SD1 and ask you to **AMEND** the Bill to **exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands.**

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be **AMENDED** to either **exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands.** HB247 SD1 is unlawful, illogical, and ineffective for the following reasons:

- CPR'ing helps families purchase land and homes that would otherwise be to expensive.
- Creates more community

HB247 SD1 in its current form is unacceptable and must be **AMENDED** to **exempt small-scale CPR projects of 5 units or less or exclude the neighbor islands.**

Mahalo for your understanding and action in this matter.

Sincerely,

Ian Hollingsworth

Dear Senator Schatz,

My name is Joshua Bezoni, I live at 97 Awaiku St. Lahaina and I am Co Founder of Health Supplement Company. I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands.**

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 5 units or less** OR **exclude the neighbor islands**. HB247 SD1 is unlawful, illogical and ineffective for the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.
- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.
- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to "circumvent county subdivision requirements." CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property's land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.
- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.

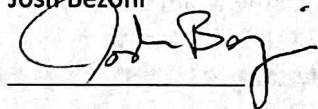
- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR's documents "do not contain any prohibited restrictions on agriculture." This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one sentence statement. To this day, we are still dealing with the repercussions of the County's inability to correctly interpret the State's previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

HB247 SD1 in its current form is unacceptable and must be AMENDED to exempt small-scale CPR projects of 5 units or less or exclude the neighbor islands.

Mahalo for your understanding and action in this matter.

Sincerely,

Josh Bezoni

A handwritten signature in black ink, appearing to read "Josh Bezoni", written over a horizontal line.

Dear Senator Baker,

My name is Glenn Beadles , I live in Haiku and I have a 2 acre farm raising livestock for sale and am building an affordable long term rental home on the property. . I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands.**

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 5 units or less** OR **exclude the neighbor islands.** HB247 SD1 is unlawful, illogical and ineffective for the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.
- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.
- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to "circumvent county subdivision requirements." CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property's land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.
- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.
- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the

supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.

- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR's documents "do not contain any prohibited restrictions on agriculture." This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one sentence statement. To this day, we are still dealing with the repercussions of the County's inability to correctly interpret the State's previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

HB247 SD1 in its current form is unacceptable and must be AMENDED to **exempt small-scale CPR projects of 5 units or less or exclude the neighbor islands.**

Mahalo for your understanding and action in this matter.

Sincerely,
Glenn Beadles

HB-247-SD-1

Submitted on: 4/6/2021 6:27:45 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
federico marun	Individual	Oppose	No

Comments:

Dear Senator _____,

My name is _____, I live [*location*] and I am [*description of any relevant occupation/experience/characteristics*]. I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands.**

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands.** HB247 SD1 is unlawful, illogical and ineffective for the following reasons:

- this bill will dramatically alter the way young people can make hawaii their home by purchasing land, i live in AG zoning as everyone in north shore maui, the cost of property has been raising due to mainland buyers, the possibility of buying a lot and dividing it makes it affordable for mid class people. i strongly oppose the bill and feel that it would have a very negative impact on local people in the island of maui.
- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or

2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.

- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.
- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to "circumvent county subdivision requirements." CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property's land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.
- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.
- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR's documents "do not contain any prohibited restrictions on agriculture." This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one sentence statement. To this day, we are still dealing with the repercussions of the County's inability to correctly interpret the State's previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

HB247 SD1 in its current form is unacceptable and must be AMENDED to **exempt small-scale CPR projects of 5 units or less or exclude the neighbor islands.**

Mahalo for your understanding and action in this matter.

Sincerely,

Federico Marun

HB-247-SD-1

Submitted on: 4/5/2021 6:53:55 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cassandra Jones	Individual	Oppose	No

Comments:

Dear Senators,

My name is Cassandra Jones and I was born, raised and live on ag zoned land on Maui. I am a former teacher and currently work for a law office that primarily handles CPR formation and registration. I'm writing to express my strong opposition to HB247 SD1.

I would like to share with you what happened in Maui County in 2014 when a bill was passed by the legislature that introduced a simple county review of AG CPRs documents to ensure that they did not include restrictions on agriculture: NOTHING. All AG CPRs were at a standstill that lasted over two years. Our County lacked the system/personnel to conduct the review required by the State's unfunded mandate, and it took tenacity, years and countless hours to get the County to produce the required statement (1-2 sentences). There continues to be frequent confusion at the County regarding the interpretation of the 2014 verified agricultural statement law. Creating a new County review of environmental impact and infrastructure requirements for CPRs, a form of ownership that in no way changes the land use, building density or infrastructure requirements for a property, is nonsensical and a surefire way to stall, if not end all AG CPRs in our State.

Please amend the Bill to exempt the neighbor islands. Since the Bill is based on a study specific to the City and County of Honolulu and no other counties were evaluated, the impact of HB247 SD1 should be limited to Oahu.

If you are intent on tasking all counties with a new and potentially disastrous County review process for AG CPRs without first accessing the issues and impact on any of the counties outside of Oahu, then I urge you to address the issue larger scale AG CPR projects; please exempt small-scale CPRs of 5 units or less.

We all want to see more local families become homeowners, more ag activities on ag lands, and lot less vacation homes and "gentleman farmers." However, CPRs are not to blame for the overdevelopment of ag properties and this mistake in thinking continues to defer meaningful problem solving.

HB247 SD1 must be amended to exempt the neighbor islands, or include language that excludes small-scale AG CPRs of 5 units or less from the new County review process.

Mahalo,

Cassandra Jones

Legal Assistant

HB-247-SD-1

Submitted on: 4/6/2021 12:50:13 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ania Ananda Wood	Individual	Oppose	No

Comments:

Dear Senators,

My name is Ania Wood, I live in Haiku, Maui, and I was so proud to buy my very first home a year ago, finally at the age of 41, because it was affordable due to being a CPR unit. We are on the back acre of a 2 acre parcel and when I finally felt the deep level of security that comes with being a homeowner, I wanted this feeling for everyone, and especially for native Hawaiians who are being priced out of their homelands

I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands.

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands. HB247 SD1 is unlawful, illogical and ineffective for the following reasons:

The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.

All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.

It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.

HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to “circumvent county subdivision requirements.” CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property’s land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.

As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated “Hui” Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection. This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.

HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR’s documents “do not contain any prohibited restrictions on agriculture.” This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one sentence statement. To this day, we are still dealing with the repercussions of the County’s inability to correctly interpret the State’s previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

HB247 SD1 in its current form is unacceptable and must be AMENDED to exempt small-scale CPR projects of 5 units or less or exclude the neighbor islands.

Mahalo for your understanding and action in this matter.

Sincerely,

Here’s what I submitted:

This legislation, though well-intended I’m sure, seems very misguided.

First let me say I live on Maui, not Oahu. The study that this legislation is based on focused exclusively on land development abuse on Oahu, not the outer-islands.

Oahu has different zoning issues and different forms of abuse than what Maui has, so right off the bat I question why Maui or the other islands are to be impacted by legislation that is targeted to solving only Oahu's problems.

As per the Maui County Code ALL AG lots, no matter the acreage, are only ever allowed to build a primary farm dwelling of any size and a secondary farm dwelling no more than 1000 sq ft. Doing a CPR is not at all the same as doing a subdivision, A CPR does not allow me to change the density of land use the way that a subdivision does.

With no change in residential density from a CPR, why would doing a CPR trigger the need for an environmental study? There's no use or density change and so there's no environmental impact to study. No land-use actually changes.

As well, I read the study and the problems identified of Oahu are not well solved by the State adding an environmental study just for CPR's. The problems seem to arise from Oahu's flawed zoning and Oahu's solution is best found in the Honolulu County Council changing Oahu's zoning.

CPRs are not the source of Oahu's problems and it seems misguided to think that the state adding an environmental impact study requirement for CPR's will solve Oahu's zoning problem.

Also, even the specifics of what parcels this legislation applies to do not appear to be based on any practical reality. The Hawaii State Land Study productivity rating is not parcel specific. My parcel is a mix, approximately 70% of my land is in a gulch, rated "X" and is not farmable. Only around 30% of my land is rated "B" and this legislation is unclear as to whether my mixed parcel will be included in the new EIS requirement. This legislation is not specifically targeted enough to be meaningful and will likely only lead to lawsuits.

And finally, neither Maui's Planning nor Public Works departments have the staff with the experience to evaluate an environmental study and declare a parcel go to go for CPR. Maui used to require AG parcels to submit a detailed Farm Plan to be reviewed but they did away with that a few years back because no one was at hand who could credibly review them. Now all that's required is for the landowner to sign an affidavit stating that they have sufficient agriculture taking place. Maui no longer reviews Farm Plans for their validity or efficacy, what would you expect them to do with a needless Environmental Impact Study that would cost me thousands of dollars to generate?

Again, this legislation, though well-intended I'm sure, seems very misguided.

Thanks
Ania Wood

Haiku

HB-247-SD-1

Submitted on: 4/5/2021 8:49:57 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ali Linder	Individual	Oppose	No

Comments:

My name is Ali Linder and I am born and raised on Maui. I have been involved in many CPRs on Ag land on this island and have seen a lot of good things result because of this law. Many families benefit from using the CPR law on Ag lands here on Maui because it makes land much more affordable and they can fulfill their dream of owning property. I don't know what is happening on Oahu, but please exempt Maui and/or other neighbor islands from this bill. I oppose this bill in the current state. Please, many families on Maui would be hurt by this bill.

HB-247-SD-1

Submitted on: 4/6/2021 6:22:27 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Van Fischer	Individual	Oppose	No

Comments:

Aloha and thank you for the opportunity to testify on this proposed bill. I live on Maui and perform number of CPR's each year selling homes to local families. The creation of condominiums on these parcels allows local families to afford home ownership in an agricultural area where otherwise they are priced out. And in many areas of Maui, while the land may be zoned Ag, it is not suitable for Ag use due to topography. These properties are typically owned by wealthy second home owners and are sold and resold as vacation homes. The CPR process allows these homes to be purchased and converted to separate ownership and sold at reasonable prices. I would respectfully request that you exempt the neighbor islands from this Bill.

Thank you for your consideration.

Van Fischer

HB-247-SD-1

Submitted on: 4/5/2021 9:06:50 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Guilian Peres	Individual	Oppose	No

Comments:

Dear,

Please attached the testimony opposing the proposed bill HB 247

Thank you Guilian Peres

HB-247-SD-1

Submitted on: 4/5/2021 11:11:48 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gregory Jones	Individual	Oppose	No

Comments:

Dear Senator English,

My name is GregJones, I live in Haiku and I am a high school science teacher. I also have a small farming project on my family's land.

I was born and raised here on Maui and him proud to be an educator and a farmer at the same time. Basically this amounts to a full time job with a shoestring horticultural business on the side; I grow non-invasive bamboo plants in a nursery and a small plantation for hedges, timber and edible shoots. Teaching is my main contribution to our family's income but the farming income is important too, a couple of good sales in recent years covered a major bill from my daughter's orthodontist.

Regular folks have to be creative to hold on to land here in Upcountry Maui. If we needed to consider a CPR in order to keep our home, would we be wrong? Maui County codes are fairly restrictive already and it's not as if we're discussing an opportunity to create a de facto subdivision.

If the options are taken off the table for Maui's families, more of them will be forced to move away.

Why would the Hawai'i State Legislature try to solve an O'ahu problem with a law that causes problems for the outer islands? Come on gang, we need better policies; be surgical, not sloppy.

I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands

Mahalo for your understanding and
action in this matter.

Sincerely,

Greg Jones

HB-247-SD-1

Submitted on: 4/5/2021 9:17:09 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Carter	Individual	Oppose	No

Comments:

To Hawaii State Legislature :

My name is Paul Carter, I co-own with my ex-wife a 5 acre ag zoned land in Haiku, Maui. As divorced cotenants living and farming our shared land, we plan to condominiumize in the future. This will allow us to legally define and pass on to our separate families our individual homes.

This is very important to our future security.

I ***strongly oppose HB247***, and I urge you to either eliminate this bill or revise it to apply to the island of Oahu only.

The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu.

Maui County does not have the same issues as Oahu. For example, Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process. Maui County does NOT share this issue. Under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. Period. These building limitations, as part of Maui's comprehensive zoning code passed in 1998, were specifically designed to preserve Maui's agricultural resources.

Thus, I urge you to oppose this bill or rewrite it to apply only to O'ahu .

Thank you,

Paul Carter, PhD

230 W Waipio Rd., Haiku, Maui

HB-247-SD-1

Submitted on: 4/5/2021 10:12:47 PM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dominic Crosariol	Individual	Oppose	No

Comments:

Aloha Members of the Commerce and Consumer Protection Committee and Members of the Ways and Means Committee,

My name is Dominic Crosariol and I strongly OPPOSE HB247 SD1. I live on Maui and I am a civil engineer who actively works on CPRs and subdivisions. According to Maui County Code, all agricultural lots are only permitted to have two farm dwellings. Unlike a subdivision, the CPR process does not permit an owner to construct additional dwellings. For example, if an owner subdivides a 4-acre agricultural parcel into two separate 2-acre lots, the owner will then be permitted to build 4 dwellings total, two dwellings on each lot. If an owner decides to CPR an agricultural parcel into two units, the owner would still only be permitted to have 2 dwellings total, one dwelling for each unit. A CPR has no impact on additional dwellings and therefore no additional impact on infrastructure or the environment. I understand Honolulu County's agricultural zoning allows for more than two farm dwellings on large agricultural properties without requiring subdivision related infrastructure and environmental requirements. I believe that this is the main cause of the overdevelopment of agricultural properties on Oahu. I would recommend that the Honolulu County Council and Planning Department change the zoning to limit the number of dwellings per agricultural lot to fix this issue. Since the Maui County Code already has a limit of two farm dwellings per agricultural lot, I strongly oppose HB247 SD1 and ask you to amend the Bill to exempt CPR projects on Maui.

Mahalo,

Dominic Crosariol, P.E.

TESTIMONY OF OVER 1,400 HAWAII RESIDENTS OPPOSING HB247 SD1

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
AND
SENATE COMMITTEE WAYS AND MEANS
Wednesday, April 7, 2021
9:30 AM
in consideration of
HB247 SD1
RELATING TO AGRICULTURAL LANDS

Dear Honorable Senators,

We the undersigned 1,400+ Hawaii residents strongly OPPOSE HB247 SD1. While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form.

RECOMMENDED AMENDMENT:

HB247 SD1 must be AMENDED to either exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands. For your convenience, below is our recommended amendment language in red, that would fully satisfy the needs of all interested parties by allowing every county to “comment on” medium/large-scale AG CPRs, while excluding small-scale family CPRs:

For projects containing greater than five units, [T]he statement shall also include the applicant's assessment and county comments regarding the availability of supportive infrastructure, any potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules. The developer's public report shall include the verified statement in addition to the information required by section 514B-83.

OPPOSING TESTIMONY:

HB247 SD1 is unlawful, illogical, and ineffective for the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.

- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.
- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.
- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to "circumvent county subdivision requirements." CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property's land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.
- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated "Hui" Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.
- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR's documents "do not contain any prohibited restrictions on agriculture." This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue

the one sentence statement. To this day, we are still dealing with the repercussions of the County's inability to correctly interpret the State's previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

Mahalo for your understanding and action in this matter!

Sincerely,

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Salina Nova
Sharon Wilcoc
Peggy Hoekstra
Susanne Knappstein
Reilly Brown
Alvin Leung
Justin Pruitt
Selim Efe
Abby Davidson

Dennis White
Melissa Parks
Ava Tomky
Riyaan Hassan
David Dunnington
William Sarsona
macy chung
Sabine Elias
Alma Gollins
Lucy Franco
Brooke Sharp
Justin Sauer
Martha Marino
Kathleen Machado
name names
No Yes
Damian Mathis
nicole mueller
Yessenia Perez
Evelin Apreza
Letycia Bullock
Zachary Calgher
april brown
Maureen Ruffell
Ibuki Sgro
Gabrielle Leacock
Elle Rogers
Nicolette Lopez
cthuhlu 10
Troy Wong
Carol Stieve

Eveayiah
Brandenburg
Morgan Pickett
Andrew Groesser
Brandon Wade
Maurice Goodman
Dilara Acar
Sheri Weiler
Michael aramouni
M. Sean Shull
zachary connelly
John L.
Patti Ripple
Srinivas Tripurari
Alekhya Ponnappalli
Elaina Collins
Bill Mohapp
christopher douglas
Allen Tabisola
Kate Donnelly
Mirium Nadya
Anthony Hidalgo
Ravichandra
Jakkampudi
Mary Oldham
Alice Fahy
Juan Balbuena
Lucas Habiger
Patrick Hagedorn
John Palmer Palmer
James Voytilla
Michael Newbro

Christina Goodness
Lizbeth Delossantos
Georgia Pinsky
Payton Ohrt
Billy Reinschmidt
Vyshakh Thejaswi
Chris Langlois
Patty Ignacio
Peter Gordon
Joshua Ruffell
Anjelica Sasieta
Alice Weber
Konnie Newbro
Meg Walker
Andrew Humphrey
Suresh Yalavarthi
Mariah P.
Nell Kowalczyk
Les Llivie
shadow :)
sagal suber
Lori Powers
allison cortes
'Christine Dreirin
Gregory Jones
Napua Banks
CHARLES Soma
Mary Rose Burke
Josh Bezoni
Gary Hipp
Hienie Davis
Corinsa Keehn

Travis Meadows
Teegan Wardlaw
Patrina Patterson
KAWIKA PITTS
Cynthia Thulin
NICHOLAS WAGNER
Caroline Tano
Crystal Pitts
Maria Guillen
Judy Gabriel
Glenn Beadles
James Simmons
Lovey Silva
Mary Jo Padilla
denishea Williams
Sylvia Fiala-
Meerkamp
Rahi Sadegh
Bruna Monello
Kyla Pinkard
Carl Kiunya
Anonymous User
Vincent Paulich
WILLIAM MORROW
Don Mckibben
Donald Baker Jr
Tim Charest
Wayne Manger

HB-247-SD-1

Submitted on: 4/6/2021 8:51:00 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
andrew huey	Individual	Oppose	No

Comments:

My name is Andrew Huey, and I live in Kihei Maui. I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands.**

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands.**

Mahalo for your understanding and action in this matter.

Sincerely,

Andrew Huey

HB-247-SD-1

Submitted on: 4/6/2021 9:17:04 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Ease Oldham	Individual	Oppose	No

Comments:

Aloha,

My name is Mary Ease Oldham, I live on Maui having had a house here for over 20 years and now I live here permanently. My business is to manage CPR Projects of less than 4 Units. I started this business to aid people who are in financial constraints and wanting to age in home. CPR is the most viable alternative.

You must amend HB247 to **exempt small-scale AG CPR projects of 5 units or less** and/or **exclude the neighbor islands**. Maui is quite different than Oahu and requires different development measures.

This is only the second time in my life (I'm 65 this May) that I have written to any of my elected officials to ask for something. This matters to so many.

Mahalo and a Hoi Hou

HB-247-SD-1

Submitted on: 4/6/2021 9:22:36 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Cooper	Individual	Oppose	No

Comments:

This is TERRIBLE legislation. There are so many families who want to pass down ag land to multiple family members who cannot afford the whole subdivision process. Allowing small CPR's on Ag land makes total sense

Affordable housing is at a crisis point. This bill reduce affordable housing ownership by outlawing CPR projects on AG land. Please do not do this additional harm to the housing supply.

I am not talking about large-scale 25+ dwelling agricultural CPRs. I am talking about smaller projects - up to eight (8) units. These should be exempted. Focus your bill on the extremes, not on the small family owned land owners that need to be able to pass on their land to the next generation. Exempt up to eight (8) units.

This "one-size-fits-all" bill does not PONO - it is legislation with no nuances and no understanding of how FAMILIES pass on land.

Mahalo,

Peter Cooper

808-398-4782

LATE

HB-247-SD-1

Submitted on: 4/6/2021 9:32:42 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James E. Coon	Individual	Oppose	No

Comments:

I strongly oppose this bill.

HB247 will really hurt the neighbor island communities. Neighbor Islands should be excluded from this bill. Small scale Ag CPR's of less than 3 units should also be exempted.

Please kill or amend this bill

LATE

HB-247-SD-1

Submitted on: 4/6/2021 9:33:49 AM

Testimony for CPN on 4/7/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Perri Ricci	Individual	Oppose	No

Comments:

Dear Senator,

My name is Perri ricci , I live at 1184 lauli place Kihei hi and i am a designer and have family agricultural land in haiku that needs CPRing. I strongly OPPOSE HB247 SD1 and ask you to AMEND the Bill to **exempt small scale CPR projects of 5 units or less OR exclude the neighbor islands.**

While the intent of the HB247 SD1 is commendable, the Bill is unacceptable in its current form and must be AMENDED to either **exempt small-scale CPR projects of 5 units or less OR exclude the neighbor islands.** HB247 SD1 is unlawful, illogical and ineffective for the following reasons:

- The Bill is based entirely on a study of AG building and zoning code problems on the island of Oahu; NO other counties were included in the study. It is inappropriate and irresponsible for State lawmakers to apply the findings of a Honolulu County agricultural zoning study to all counties without an examination of whether these same land-use issues exist on the neighbor islands.
- All concerns raised by the Oahu-specific study are related to large-scale 25+ dwelling agricultural CPRs. Honolulu County's AG-1 and AG-2 zones allow multiple farm dwellings on large AG properties without sufficient environmental and infrastructure requirements as part of Honolulu County's building permit process; this is the root cause of the overdevelopment of AG properties on Oahu. The neighbor islands simply do NOT have the same county zoning problems as Oahu. For example, under the Maui County Code ALL AG lots, whether 2 or 2,000 acres, are allowed to build ONLY 2 farm dwellings. As such, nearly ALL AG CPRs on Maui are small-scale family CPRs containing 2 units.
- It is unlawful for the State legislature to take over the Honolulu County Council and Planning Department's job and try to fix county-specific regulatory and enforcement failures (and corruption) without assessing how the neighbor islands

will be affected. By law, agricultural zoning, building, infrastructure, and environmental regulation is county-specific and must be addressed via the County code.

- HB247 SD1 perpetuates the completely erroneous belief that the CPR process can somehow be used to “circumvent county subdivision requirements.” CPRs are a form of property ownership that are already highly regulated by the State. Just like all other forms of co-ownership, CPRs do NOT change a property’s land-use, building density, or infrastructure requirements. CPRs are fundamentally different than subdivisions (which have a major impact on infrastructure) because CPRs do NOT create separate lots. The State has repeatedly introduced legislation that perpetuates this misconception, and this needs to stop.
- As currently written, the Bill will do nothing to prevent the overdevelopment of agricultural properties. Developers on Oahu will still be able to obtain building permits to build multiple farm dwellings on large AG properties without any supportive infrastructure. Instead, this Bill will make it impossible for families to make use of the CPR form of ownership (even for 2 unit CPRs), which will lead to thousands of unregulated “Hui” Sales (Tenants in Common Agreements) that will continue to provide a shared ownership option with ZERO State regulation or consumer protection.
- This Bill creates an additional impediment to the creation of affordable housing options in the midst of an affordable housing crisis. HB247 SD1 will dramatically reduce the supply of homes and drive up the cost of housing for local residents, particularly on the neighbor islands where most residents live on agricultural land.
- HB247 SD1 creates an unspecified, unfunded, and unattainable county review process that will indefinitely halt all AG CPR registrations in the State. In 2014, a bill was passed that added a simple county review to certify that an AG CPR’s documents “do not contain any prohibited restrictions on agriculture.” This seemingly straightforward requirement halted all AG CPRs on Maui for multiple years because the County refused to create the mechanism/designate the personnel needed to perform the review and issue the one sentence statement. To this day, we are still dealing with the repercussions of the County’s inability to correctly interpret the State’s previous unfunded AG CPR mandate. By requiring a more complex, labor-intensive county review for AG CPRs, regardless of size, HB247 SD1 will prevent all AG CPRs for years to come.

HB247 SD1 in its current form is unacceptable and must be AMENDED to **exempt small-scale CPR projects of 5 units or less or exclude the neighbor islands.**

Mahalo for your understanding and action in this matter.

Sincerely,

Perri and Matias ricci