

DAVID Y. IGE
Governor

JOSH GREEN
Lieutenant Governor

MIKE MCCARTNEY
Director



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

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Statement of
Daniel E. Orodener
Executive Officer
State Land Use Commission

Before the
Senate Committee on
Water and Land

Friday January 29, 2021
1:00 PM
State Capitol, Virtual Video Conference

In consideration of
SB 137
RELATING TO LAND USE

Chair Inouye; Vice Chair Keith-Agaran; and members of the Senate Committee on Water and Land:

The Land Use Commission supports the intent of SB 137. However, we do not believe the measure will result in any significant increase in the numbers of affordable homes being built in the State. At the outset it should be noted that, on O`ahu alone between 2000 and the present, there are currently in the neighborhood of 22,000 homes that the LUC has already approved but have not been built and/or have not begun the development process. This is a clear indication that the approval process is only a small factor in the housing problem facing the state of Hawai'i.

We are also concerned that the bill does not contain a definition of "affordable housing" nor does it define what 60% of the land area or square footage of development would encompass. As such, the language will inevitably result in disputes over whether or not a project qualifies under the new section. A significantly higher percentage should be required if the definition includes roadways, parks etc. As currently written it is not inconceivable that only a small percentage of the project would actually be dedicated to affordable housing.

The definition of affordable is also key. While the development community adheres to a formula that defines affordable housing as up to 140% of the median area income, in Hawai'i this formula results in a significant number of homes being built as "affordable" that are not in

fact obtainable by the average resident. To have any impact on the housing problem a much lower formula should be applied and set forth in any statutory change.

Additionally, there will be no cost savings to developers that would stimulate affordable housing projects with this measure. Developers will still have to meet chapter 343 requirements and, under State law, as directed by the Supreme Court in the Towne case, contested case hearings will still have to be held before the District Boundary Amendment can be approved. The counties are not set up to handle this type of proceeding and have not shown a willingness in the past to do so. All rights of appeal and all rights to cross examine and required procedural safeguards will still have to be adhered to in order to protect constitutional rights to due process. The County cannot grant a DBA “ministerialy” without violating the constitution.

It should also be recognized that is measure is a portion of SB 3104, (SLH2020) a much more comprehensive bill introduced last year that was derived from discussions between the community, developers, government agencies and members of the legislature. That bill included trade-offs and compromises that made various changes palatable to different constituent groups. AS this measure represents only a small portion of that larger proposal, those checks and balances do not exist. It would therefore be inappropriate to pass this measure without including other elements of the bill that mitigated they concerns raised by the community.

The LUC provides the following comments on certain sections of the bill:

Section 1. The broad language in the proposed amendment to add HRS §205-3.1(a) allows the LUC to reclassify any lands so long as they are: (1) in the conservation district; (2) are delineated as important agricultural lands (IAL); or, (3) lands greater than 15 acres, except non-IAL lands in the agricultural or rural district between 15 to 25 acres in size and where the boundary change applies to at least 60% of the land area dedicated for affordable housing.

Section 1. Proposed new subsections HRS §205-3.1(b) provides the counties authority to reclassify lands greater than 15 acres but no more than 25 acres to the urban district if the lands are contiguous to the urban district and at least 60% of the square footage of the development is dedicated for affordable housing. We would like to bring you attention to the difference in language between this section and the prior section identifying the LUC’s authority. We recommend making sure the language is clear and in agreement in both sections: either 60% of the land area or 60% of the square footage of the development.

The LUC believes that this measure, while directed at a recognized need, will not have the intended result and will in fact cause significant harm to other equally important state initiatives.

Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

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

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON WATER AND LAND AND HOUSING

January 29, 2021
1:00 P.M.
Via Videoconference

SENATE BILL NO. 137
RELATING TO LAND USE

Chairperson Inouye and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 137. If enacted, this measure would authorize the counties to process petitions for Agricultural District boundary amendments greater than 15 acres but not more than 25 acres provided that the land areas:

- are proposed for reclassification to the urban district,
- are contiguous to the urban district, and;
- at least 60 percent of the acreage is to be developed as affordable housing.

The Department of Agriculture offers comments and a recommendation.

This measure establishes affordable housing as a priority activity for consideration within the State Land Use Law. The Department offers the following amendment to forestall unanticipated erosion of the prime agricultural land base by otherwise well-intentioned legislation:

Page 2 lines 10-19

New language is bold text and bold underline

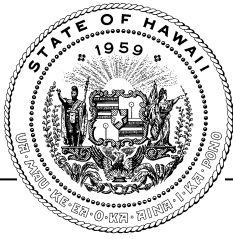
" (2) Land areas greater than fifteen acres but not more than twenty-five acres if the land areas are proposed for reclassification to the urban district, are contiguous to the urban district, and at least sixty per cent of the square footage of the development will be dedicated for the development of affordable housing, **provided the soil is classified by the**



land study bureau's detailed land classification as overall (master) productivity rating class C or lesser.

(3) Lands less than fifteen acres in the agricultural district that are not designated as important agricultural lands or with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B. "

Thank you for the opportunity to testify on this measure.



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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 WATER AND LAND
Friday, January 29, 2021
1:00 PM
State Capitol, Conference Room 229

in consideration of
SB 137
RELATING TO LAND USE.

Chair Inouye, Vice Chair Keith-Agaran, and Members of the Committee on Water and Land. The Office of Planning (OP) offers **comments** on SB 137 that authorizes the counties to approve State Land Use District Boundary Amendments for non-important Agricultural lands or Rural lands up to 25 acres in size to the Urban District provided that at least 60% of the land is used for the development of affordable housing. In addition, the bill requires that the land being considered for reclassification be contiguous to the Urban District, provides owner-occupancy restrictions in perpetuity, and prohibits parceling.

OP supports the intent of measures that increase the availability of affordable housing. SB 137 would streamline the approvals process to allow affordable housing to be built in a timely, less costly manner. We would recommend, however, that any county-authorized reclassification of lands of not more than 25 acres should also be consistent with the county general plan and community development plan.

Thank you for this opportunity to testify.

January 29, 2021

The Honorable Lorraine Inouye, Chair
Senate Committee on Water and Land
Via Videoconference

RE: S.B. 137 Relating to Land Use

HEARING: Friday, January 29, 2021, at 1:00 p.m.

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Members of the Committee,

I am Arabel Camblor, member of the Government Affairs Committee, testifying on behalf of the Hawai'i Association of REALTORS® (“HAR”), the voice of real estate in Hawai'i, and its over 10,000 members. HAR **strongly supports** S.B. 137 which authorizes county land use decision—making authorities to amend district boundaries involving land areas greater than fifteen acres, except non important agricultural land or rural land areas greater than fifteen acres but not more than twenty-five acres if the land areas are proposed for reclassification to the urban district and at least sixty per cent of the land areas will be dedicated for the development of affordable housing.

Hawai'i has been struggling with the issue of affordable housing for decades. Challenges range from land and infrastructure costs, financing, regulatory challenges, and permitting. According to the Department of Business Economic Development and Tourism's 2019 report on Housing Demand in Hawai'i, the state needs up to 46,000 housing units to meet demand in Hawai'i by 2030. Ultimately, we have a housing supply problem, and this measure is a creative approach to address those challenges, by building housing at all price points, including encouraging affordable housing.

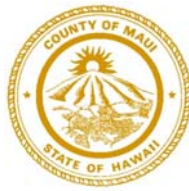
The Land Use Commission (LUC) is responsible for the classification of land parcels into urban, rural, agricultural and conservation districts. Additionally, the LUC acts on land use district boundary amendment petitions involving the reclassification of lands greater than 15 acres in agricultural, rural, and urban district areas, provided it is not in the conservation district or delineated as important agricultural lands. Lands that are less than the 15 acres can be reclassified by the counties. Moreover, the county process involves opportunities for public input, which includes a presentation to the appropriate neighborhood board and public input at hearings before the appropriate county Planning Commission and City Council.

HAR would respectfully recommend that the acreage be increased from 25 to 100 acres. This would allow for more housing units to be built to help the State reach its housing demand. Additionally, more acreage makes it more economically feasible for environmental safeguards to be built, such as a wastewater treatment plants or connectivity to an existing sewer system. Smaller projects may not be able to absorb said costs.

Mahalo for the opportunity to testify.

Michael P. Victorino
Mayor

Sananda K. Baz
Managing Director



LATE

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COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

January 28, 2021

TESTIMONY OF MICHAEL P. VICTORINO
MAYOR
COUNTY OF MAUI

BEFORE THE SENATE COMMITTEE ON WATER AND LAND
Friday, January 29, 2021, 1:00 p.m.
Conference Room 229

SB137 RELATING TO LAND USE

Honorable Lorraine R. Inouye, Chair
Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Honorable members of the Committee on Water and Land

Thank you for this opportunity to testify in **SUPPORT** of **SB137**.

This bill authorizes county land use decision-making authorities to amend district boundaries involving land areas greater than fifteen but no more than twenty-five acres to the urban district without consideration of the land use commission if at least sixty per cent of the land is used to develop affordable housing.

I would like to suggest that the twenty-five acres be increased to one hundred acres as this would allow greater flexibility for affordable housing development.

With the urgent need for more affordable housing, allowing the counties' land use decision-making authority the opportunity to grant district boundary amendments (DBAs) for up to one hundred (or twenty-five acres,) instead of fifteen acres, would greatly improve the speed of the regulatory process. In Maui County, the Maui County Planning Commission is the decision-making body for DBAs. The commission also hears the affordable housing projects and passes their recommendations to the Maui County Council who makes the final decision on land use. If the Planning Commission grants the DBA at the same time as hearing the project, that will save a tremendous amount of time and money for the project. Thus allowing for more affordability and more timeliness of the completion of the units.

I urge you to pass this measure with proposed modifications, SB137.



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Phone: 927-0709 henry.lifeoftheland@gmail.com

COMMITTEE ON WATER AND LAND
Senator Lorraine R. Inouye, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: Friday, January 29, 2021
TIME: 1:00 P.M.
PLACE: Via Videoconference

SB 137 RELATING TO LAND USE

OPPOSE

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Members of the Committee

Life of the Land is Hawai'i's own energy, environmental and community action group advocating for the people and `aina for 49 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

Holistic solutions are needed to address affordable housing, renewable energy, and food production.

SB 137 authorizes counties to reclassify agricultural land BEFORE a food sustainability plan exists, before lands have been identified to expand food production, before identifying which lands are needed for renewable energy, and while the State is heavily dependent on imported food. Recent analyses show that "important agricultural lands" is very poorly correlated with food production, rather it was a chance for taxpayers to subsidize large landowners.

Mahalo
Henry Curtis
Executive Director



Senate Committee on Water and Land

Hawai'i Alliance for Progressive Action Opposes: SB137

Friday, January 29, 2021 1:00 p.m. Conference Room via Videoconference

Aloha Chair Inouye, Vice Chair Keith-Agaran and Members of the Committee,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in **opposition to SB137**.

The Land Use Commission (LUC) is not the obstacle to affordable housing. We recommend removing provisions from legislation which weaken the LUC authority by delegating district boundary amendments to the counties.

SB137 would not provide a solution to affordable housing development delays and instead substantially impair the LUC's ability to consider and mitigate impacts to natural and cultural resources and associated Native Hawaiian traditional and customary practices

The ever-growing development pressure by speculators and land investment corporations, coupled with the incentive for counties to increase tax revenues from development make the need for LUC oversight even greater today than when it was founded nearly 60 years ago.

In many cases, such LUC review may also be the only opportunity for Native Hawaiians to assert their constitutionally-protected traditional and customary rights with respect to development proposals.

The LUC was created in 1961 and is critical to protecting things like open space, agricultural fields, natural resources, native Hawaiian rights, taxpayers' money, the overall quality of life for Hawai'i residents, and the long-term health of our economy.

Unlike county permitting agencies, the LUC assesses district boundary amendments on basic good planning principles, such as whether the project provides for adequate public schools and transportation infrastructure. This helps to prevent spot zoning and urban sprawl on agricultural and conservation lands.

The LUC already has a 45-day deadline to respond to boundary amendment petitions for affordable housing projects that qualify under HRS § 201H. The LUC has consistently met this expedited deadline.

Since 1980, more than 25% of all the housing authorized by the LUC has not been built. On O'ahu alone 23,000 units approved by the LUC have not been constructed, many of these units are affordable housing or workforce housing units.

Instead of weakening LUC authority and delegating district boundary amendments to the counties, we support the LUC having enforcement authority to determine why the units approved have not been built and a course of action.

In addition to the amendments seeking to define affordability, more detailed information on AMI should be defined at levels that meet standards of affordability for local residents who fall into the so-called A.L I.C.E. (asset limited income constrained employed) population.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', with a long horizontal flourish extending to the right.

Anne Frederick
Executive Director



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON WATER AND LAND

January 29, 2021 1:00 PM Room 229

In **OPPOSITION** of **SB137**: Relating to Land Use

Aloha Chair Inouye, Vice Chair Keith-Agaran, and members of the committee,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **opposes SB137** which reduces the Land Use Commission's authority to authorize new land use activities.

At the outset, we respectfully request that this bill be referred to the Committee on Housing, in addition to the Committees on Water and Land, and Ways and Means. The primary purpose of this bill appears to be housing creation, which is the jurisdiction of the Housing Committee.

On the merits of the bill, we support significantly increasing the supply of affordable housing across the Hawaiian Islands. However, as we have noted in our testimony on these proposals over the years, and expound on in this testimony below, the data demonstrates that the LUC is not the obstacle to affordable housing construction. We also note that there already exist many "streamlined" processes for affordable housing, including HRS §201H and the exception for affordable housing in the regulations implementing HRS §343.

Measures to increase affordable housing construction must balance changing land use laws with the need to improve enforcement authority for the LUC, while also ensuring environmental protection, smart community planning, and long-term resiliency. We appreciate the immense effort lawmakers are investing to find this balance and incorporate feedback from all stakeholders.

If the legislature is inclined to pass this bill, we urge this Committee to fully consider this option for a balanced approach:

1. Ensure that the Land Use Commission processes district boundary amendments not only for important agricultural lands, but also for agricultural lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B— as "A" and "B" rated ag lands have the highest potential for local food production and additional consideration of rezoning is warranted.

2. Add enforcement language to the Haw. Rev. Stat §205-13 Penalty for violation, to provide the LUC the tools needed to ensure compliance after granting district boundary amendments for the purpose of building affordable housing.

If these amendments cannot be incorporated into this bill, then we respectfully ask the committee to not amend the district boundary process at all.

Expanding LUC enforcement authority would increase housing construction

We believe that granting the LUC reasonable enforcement authority will increase housing units on the market because it creates a mechanism for encouraging developer-follow-through on commitments made during the district boundary amendment process.

Since 1980, more than 25% of all the housing authorized by the LUC has not yet been built. On O‘ahu alone 23,000 units approved by the LUC have not been constructed. Many of those units are affordable housing or workforce housing units. This includes Ho‘opili (DR Horton), Koa Ridge (Castle & Cooke), Gentry Waiawa (now owned by Kamehameha Schools), and Royal Kunia Phase II.

With additional enforcement authority, the LUC could initiate a hearing to review a project for non-compliance. In this quasi-judicial evidentiary hearing, the LUC could collect evidence, and where the evidence justifies it, modify conditions imposed on the project or impose fines on the project to expedite construction.

The State Land Use Commission is not the obstacle to affordable housing

For sixty years, the LUC has played an essential role in encouraging proper land uses to protect and preserve Hawai‘i’s natural resources. In 1961, the legislature created the LUC in response to “a lack of adequate controls [that] had caused the development of Hawaii’s limited and valuable land for short-term gain for the few while resulting in long-term loss to the income and growth potential of our State’s economy.”¹

This unique agency is critical to protecting open space, agricultural fields, natural resources, native Hawaiian rights, taxpayers’ money, the overall quality of life for Hawai‘i residents, and the long-term health of our economy. Unlike county permitting agencies, the LUC assesses district boundary amendments on basic good planning principles, such as whether the project provides for adequate public schools, and transportation infrastructure.

Currently, the LUC reviews district boundary amendment petitions involving 15 acres or more and only reviews housing-related projects when development proposals are proposed on lands designated as agricultural or conservation districts. The LUC is also required to approve or deny a petition within 365 days from its submission. If the LUC fails to complete review and decision

¹ <https://luc.hawaii.gov/about/history-3/>

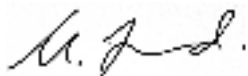
making on a petition within that time period, then the petition is automatically approved. The LUC has always met that deadline; no project has been automatically approved.

Moreover, project proposals that qualify as affordable housing under Haw. Rev. Stat. § 201H currently enjoy an extremely expedited review process at the Land Use Commission and the county permitting agencies. Per Haw. Rev. Stat. §201H-38, **affordable housing projects requiring petitions for district boundary amendments are required to be heard and decided upon within 45 days after the filing of a petition.**² According to LUC staff, throughout the 2010's there were roughly four big 201H affordable housing projects approved at the LUC, all within the 45 day timeline.³ The LUC has not had to automatically approve any affordable housing projects because it meets its deadlines.

The Sierra Club remains committed to supporting the critical mission of expanding truly affordable housing supplies, especially in the urban centers of each county. Doing so not only protects farmland from development pressure and speculative land valuations, but it also encourages more sustainable development patterns by putting housing near employment opportunities and essential services. Working together we can increase the affordable housing supply without sacrificing Hawai'i's fertile farmlands, rural communities, good planning principles, or the overall quality of life for Hawai'i's people.

Please do reach out for additional conversation on how the LUC's authority can be approved in the future. Thank you very much for this opportunity to provide testimony in **opposition to SB137.**

Mahalo,



Marti Townsend
Chapter Director

² <https://luc.hawaii.gov/about/district-boundary-amendment-procedures/>

³ A record of all LUC decisions organized by island is available online at:
<http://luc.hawaii.gov/completed-dockets/decision-and-orders-for-boundary-amendments/>



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January 29, 2021

HEARING BEFORE THE
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY ON SB 137
RELATING TO LAND USE

Conference Room 229
1:00 PM

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Members of the Committee:

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.

HFB opposes SB 137, which would allow district boundary amendments without Land Use Commission approval for agricultural land of a certain acreage, provided that at least 60 percent of the acreage will be dedicated for the development of affordable housing.

HFB recognizes and supports the need for affordable housing. We also recognize that in the land category system used today, agriculture was originally the catchall land classification and that some lands included within the agricultural district were not necessarily considered optimal for agriculture.

However, agriculture has significantly evolved. Soil classification is no longer the determinant of land good for agriculture. Greenhouses, hydroponics, aquaculture, and aquaponics are just a few of the many types of agriculture that can occur on *all* classes of land (A, B, C, D, E). Some of the best floriculture and hydroponic operations in Hawaii are on C, D, and E lands. The total environment, including rainfall amount and timing, day and night-time temperatures, wind, and humidity each contribute to whether a particular region is suitable for a specific crop. In many cases, the soil type and even the existing terrain are not determinative of whether farming can exist and thrive.

Hawaii Farm Bureau has serious concerns about this measure; allowing residential developments to be interspersed with farming operations often causes problems that can result in the failure of farms. This cannot be allowed. Because of the pandemic, everyone better understands now the importance of agriculture in our isolated and vulnerable state.

We must protect agricultural lands from well-known threats and avoid simplistic solutions to Hawaii's housing problems.

HFB is opposed to eliminating the oversight of the Land Use Commission and its process for agricultural boundary amendments.

The urgency to address Hawaii's need for affordable housing should not be allowed to eliminate Hawaii's use of productive agricultural land.

Thank you for your consideration of our concerns.

January 29, 2021
1:00 p.m.
Conference Room 229

To: Senate Committee on Water and Land
Sen. Lorraine R. Inouye, Chair
Sen. Gilbert S.C. Keith-Agaran, Vice Chair

From: Grassroot Institute of Hawaii
Joe Kent, Executive Vice President

RE: SB137 — RELATING TO LAND USE
Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SB137](#), which would change existing restrictions on the authority of the counties to amend district boundaries.

Under this bill, county decision-making officials would be permitted to amend district boundaries for properties greater than 15 acres, except “non-important” agricultural land or rural land areas greater than 15 acres but not more than 25 acres, if they are proposed for reclassification to the urban district and at least 60% will be dedicated to development of so-called affordable housing.

In raising the acreage cutoff to 25 acres, SB137 would make an important stride toward streamlining the decision-making process and encouraging the growth of the housing pool in our state.

However, the bill includes an unnecessary limitation, namely, the requirement that this special consideration will only be given for proposals where 60% of the land will be dedicated to the development of affordable housing.

While well-intentioned, that additional limitation may frustrate the intent of the bill by creating another regulatory roadblock to the increase of the housing supply. There are ways to encourage the growth of affordable housing that won't hobble development before it even

begins. We urge you to remove the 60% requirement and focus first on reforming the state Land Use Commission and streamlining the development process.

That said, this committee should be commended for addressing one of the root causes of the state's housing crisis: the excess of regulation and bureaucracy that can delay and frustrate development. A recent Grassroot Institute report on the problem, ["Reform the Hawaii LUC to encourage more housing,"](#) discussed how state policymakers could encourage the growth of housing by reexamining the role and purpose of the LUC.

The report included two recommendations that relate directly to the intent of SB137: raising the acreage cutoff for LUC review of district boundary amendment requests; and allowing the counties to handle all DBAs for urban and agricultural lands, leaving the LUC free to focus on statewide environmental issues and DBAs of conservation lands.

Enacting bill SB137, without the unnecessary limitation, would go part of the way toward achieving those recommendations.

Thank you for the opportunity to submit our comments.

Sincerely,
Joe Kent
Executive Vice President, Grassroot Institute of Hawaii

SB-137

Submitted on: 1/28/2021 12:43:58 PM

Testimony for WTL on 1/29/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeri Di Pietro	Individual	Oppose	No

Comments:

Aloha Chair Inouye, Vice Chair Keith-Agaran and Committee Members,

I oppose SB137. While I understand our great need for permanately affordable housing,

There is a need and important purpose for the the Land Use Commission to have oversight on the reclassification of urban land. I would not like to see a change in the authority of the LUC to delegate amending district boundaries to the counties.

Mahalo,

Jeri Di Pietro

PO Box 338

Koloa, HI 96756

SB-137

Submitted on: 1/26/2021 2:36:28 PM

Testimony for WTL on 1/29/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Taylor Yoshitomi-Jones	Individual	Support	No

Comments:

Legislative Drafting Manual (2012) 10th Edition

CHARLOTTE A. CARTER-YAMAUCHI

Acting Director

"The draft of a findings and purpose section should (1) reflect the contents of the entire bill, including its contents as amended during the course of the legislative process (committee and floor amendments); (2) avoid creation of ambiguity; and (3) be the last section drafted (then, frequently its need disappears). This section is not a substitute for sloppy drafting of other sections of the bill and is most helpful when it states the facts and purpose concisely."

Dear Honorable Members of the Hawaii State Legislature,

Thank you very much for having me testify here today. I would like to pull a caveat out of the Legislative Drafting Manual to backup the revision that is being made (in turn reinforcing it) while allowing you to have insight on what I'm trying to say...

During these times where the interpretation of our legal framework is being brought to the test, I fully defend the ability for the legislative body to make corrections to the constitution in the form of bills in order to straighten things out. This is especially true when the Judiciary is unable to make a solid decision which can calm the situation (as the Judiciary's job is to interpret the law 'in my opinion'). This also is an amazing initiative being taken up by the Legislative Branch and I am thankful to see that the Executive AND Judiciary supports the adherence to your drafting manual provided by the aforementioned above. The straightforwardness and clarity is of utmost importance when encountering persons with 'special' needs and people who are deficient in the ability to read, write, and speak English (OR American Sign Language). Finally, this bill allows for the movement and response of our government to finally loosen up and provide RELIEF for citizens who are wanting to progress into the next era. I fully support this bill, but I advise on the proofing of all members of the committee (with a recommended proof outside of the committee but within the legislature) and making

needed edits before fully addressing it on the floor. This is to ENSURE the solidarity of the legislative process should ANYONE challenge your ability to carry out the duties afforded to you by law. Thank you for your time.

Sincerely,

Mr. Taylor T. Yoshitomi-Jones

Consultant