



*Aloha e Friends,*

I hope you and your 'ohana are safe and well. With the Delta variant bearing down upon us full force, it seems it's all we hear about in the news these days. And with good reason. It's a scary and uncertain time. As much as we were all hoping for a reprieve, the bottom line is, it looks like this virus is going to be with us for some time.

As always, please contact me at (808) 586-6830 or [sengabbard@capitol.hawaii.gov](mailto:sengabbard@capitol.hawaii.gov) if I can help you or your family in any way. You can also follow me on Twitter [@senmikegabbard](https://twitter.com/senmikegabbard), Instagram [@GabbardAloha](https://www.instagram.com/GabbardAloha),

or Facebook at <https://www.facebook.com/senmikegabbard>.

Best wishes to you and your 'ohana.



## Eviction Moratorium Extended to Oct. 3

The eviction moratorium was set to expire on August 6, 2021. However, an order issued by the Centers for Disease Control and Prevention regarding the extension of eviction ban moratoriums will continue until Oct. 3, or "until a county no longer has substantial or high levels of community transmission for 14 consecutive days," whichever comes first. The governor announced that this applies to "almost the entire state of Hawai'i." To determine if you qualify, go to the [Eviction Protection Declaration](#).

This past year, the Legislature passed HB 1376, which was signed into law as Act 57. As a part of the law, the Governor needed to notify both the Legislature and the Judiciary 20 days before he intended to end the eviction moratorium. He did this on July 15. According to Act 57, however, no one was to face eviction. It was only to begin a mediation process for those who owe 4+ month of rent.

Landlords must give tenants 15 days to respond to a mediation notice and another 15 days to complete mediation. Those who are 3 months + behind in rent cannot start going through this free mandatory mediation process until September 6, 2021, those 2 month + behind on November 6, 2021, and those 1 month + behind on January 6, 2022. This was intended to not overwhelm the Judiciary and for more rental relief to be disseminated to those who qualify. This timeline also seeks to balance the needs of those who legitimately need relief with those who just have chosen not to pay any rent without a legitimate reason.

**For more information:**

>> [Legal Aid Society of Hawai'i](#)

>> [Mediation Center of the Pacific](#)

## COMMITTEE CHAIR

### AGRICULTURE & ENVIRONMENT

### MEMBER

- ◆ Judiciary
- ◆ Government Operations

### DISTRICT 20

- ◆ Kapolei, Makakilo and portions of Ewa, Kalaeloa and Waipahu

## COVID Restrictions

- ◆ As cases of Covid-19 continue to increase across the Islands, Governor Ige has mandated a new executive order which includes the following, effective August 10:
- ◆ Indoor social gatherings are limited to 10 people; outdoor gatherings, to 25 people.
- ◆ High risk areas, such as restaurants, gyms, and other social establishments must reduce their capacity by 50%.
- ◆ Patrons in social establishments must remain seated, with 6 feet of distance between parties. No mingling is allowed, and masks must be worn at all times, except while eating or drinking.
- ◆ Professionally sponsored events, such as weddings, meetings, banquets, and conventions, must submit mitigation plans detailing safety plans to the respective counties for approval.

# LEGISLATIVE NEWS

## AEN Committee Bills That Passed



As Chair of the Senate Agriculture and Environment Committee, I was pleased to see the following bills pass into law. (\*Denotes bills I introduced).

Click on the hyperlink to go to the Status Sheet for each bill. To read the actual bill, click on the number at the

top. For more help navigating the bills, contact the [Public Access Room](#).

### **Agriculture**

#### **Ag. Buildings Expansion ([SB 489](#))**

Increases the maximum area for each agricultural shade cloth structure, cold frame, and greenhouse that could qualify the structure for an exemption from building permit and building code requirements. Effective 1/1/2022.

#### **Ag. Loans\* ([SB 336](#))**

Amends the maximum amount that the Chairperson of the Board of Agriculture is authorized to approve for agricultural loans and aquacultural loans not to exceed \$50,000 of state funds, rather than \$25,000.

#### **Food Donation ([SB 244](#))**

Expands liability protection for donors to include donations of food and similar donations made to needy persons by organizations. Authorizes the donation of expired food when the donor reasonably believes in good faith that the food remains fit for human consumption.

#### **Restrictions Ag. Use ([SB 186](#))**

Disallows the enforcement of a re-recorded homeowners' association restriction if the restriction prohibits bona fide agricultural uses and activities on agricultural land.

#### **SNAP ([SB 512](#))**

Removes the \$10 per visit per day cap on the dollar-for-dollar match received by supplemental nutrition assistance program beneficiaries under the Hawaii healthy food incentive program, also known as the double up food bucks program. Specifies that healthy proteins are eligible purchases under the program.

#### **State Department Produce Goals ([HB 817](#))**

Requires and establishes benchmarks for each state department to ensure that a certain percentage of the

produce purchased by that department consists of fresh local agricultural products or local value-added, processed, agricultural, or food products. Requires a report to the legislature on each department's progress toward meeting these benchmarks.

#### **Subdivision and CPR Ag Lands ([HB 247](#))**

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 certain condominium property regime projects within the agricultural district are used for agricultural purposes.

### **Animals**

#### **Cruelty-Free Cosmetics\* ([SB 345](#))**

Bans the import for profit, sale, and offer for sale of any cosmetic in the State if the final product or any component of the final product was developed or manufactured using animal testing performed on or after 1/1/2022 in a cruel manner. Effective 1/1/2022.

#### **Dog Tether ([HB 416](#))**

Prohibits specified trolleys, trolleys with swivels, pulleys, cables, or running lines designed to attach a dog to two stationary objects in a configuration that endangers the dog, including by depriving the dog of sustenance.

Prohibits tethering or restraining a dog under the age of six months unless the dog is engaged in an activity supervised by its owner or an agent of its owner. Prohibits tethering or restraining a dog with a tow or log chain. Prohibits tethering or restraining a dog with a choke collar, pinch collar, or prong collar unless the dog is engaged in an activity supervised by its owner or an agent of its owner.

#### **Shark Protection ([HB 553](#))**

Establishes an offense of intentionally or knowingly capturing, entangling, or killing a shark in state marine waters, and provides penalties and fines. Provides certain exemptions. Allows the department of land and natural resources to establish rules. Effective 1/1/2022.

#### **Sport Fish ([SB 1313](#))**

Requires the division of aquatic resources of the department of land and natural resources to establish a pilot project to restock the Wahiawa public fishing area with northern largemouth bass, butterfly peacock bass, or both by 1/1/2023; provided that the board of agriculture places both species of bass on the list of restricted animals that require a permit for import and possession.

## **Education**

### **Farm to School HDOA to HDOE ([HB 767](#))**

Moves the Hawaii farm to school program from the Department of Agriculture to the Department of Education. Establishes a programmatic goal for the Department of Education that at least 30% of food served in public schools shall consist of locally sourced products by 2030. Creates an annual reporting requirement. (SD2)

## **Energy, Economic Development, and Tourism**

### **Made in Hawai'i ([SB 263](#))**

Transfers oversight of the "Hawaii Made" program for manufactured products and the "Hawaii Made" trademark to the department of business, economic development, and tourism. Outlines the department of business, economic development, and tourism's duties and responsibilities for oversight of the "Hawaii Made" program for manufactured products. Appropriates federal funds to the department of business, economic development, and tourism. (CD1)

## **Environment**

### **Aluminum Cans\* ([SB 348](#))**

Updates the federal law reference to standards established by the United States Food and Drug Administration regarding product quality standards for bottled water. Repeals the requirement that noncarbonated bottled water be transported, stored, processed, or bottled through lines or equipment through which only water is passed. (CD1)

### **Balloon Release ([HB 1102](#))**

Prohibits the intentional release of balloons inflated with a gas that is lighter than air. Effective 1/1/2023. (SD2)

### **OEQC/OP ([HB 1318](#))**

Establishes the Environmental Advisory Council. Transfers the rights, powers, employees, appropriations, and other personal property from the Office of Environmental Quality Control to the Office of Planning. Transfers all rules adopted or developed by the Department of Health, Office of Environmental Quality Control, or Environmental Council to the Office of Planning. Amends the ability for an applicant to appeal nonacceptance of an environmental impact statement from the Environmental Council to the Environmental Court. (CD1)

## **Invasive Species**

### **Spittlebug ([HB 237](#))**

Appropriates \$350,000 for fiscal year 2021-2022 to the department of agriculture for the mitigation and control of the two-lined spittlebug and recovery of the rangelands damaged by the invasive pest. (CD1)

**Coffee Berry Borer ([SB 855](#))** Extends the sunset date for the coffee berry borer pesticide subsidy program to 6/30/2023

and the program manager position, including the position's civil service and collective bargaining laws exemption, to 6/30/2024. Provides that no single coffee grower shall receive more than \$12,000 for each pest per year in subsidies between 6/30/2021 and 7/01/2023. Requires the department of agriculture to compile a list of certain pesticides. (CD1)

## **Water and Land**

### **Beach Restoration ([SB 367](#))**

Waives the requirement for section 401 water quality certification for certain small-scale beach restoration projects authorized by the department of land and natural resources. (CD1)

### **HDOA/DOH Non-Ag Lands Task Force ([HB 469](#))**

Establishes a working group to: (1) Ascertain the process and status of the transfer of non-agricultural park lands from the department of land and natural resources to the department of agriculture pursuant to Act 90, SLH 2003 (Act 90) and chapter 166E, Hawaii Revised Statutes, regarding non-agricultural park lands; and (2) Determine the challenges and potential remedies necessary to facilitate the process of fulfilling the purposes of Act 90. (CD1)

### **Sea Level Rise Adaptation ([HB 243](#))**

Requires the Office of Planning, in cooperation with each state agency having operational responsibilities over state facilities, to: identify existing and planned facilities that are vulnerable to sea level rise, flooding impacts, and natural hazards; assess a range of options to mitigate the impacts of sea level rise to those facilities; and submit annual reports to the Governor, Legislature, and Hawaii climate change mitigation and adaptation commission regarding the vulnerability and adaptation assessments for state facilities and the progress made in implementing sea level rise adaptation in future plans, programs, and capital improvement needs and decisions. Amends the Hawaii State Planning Act to include sustainable development, climate change adaptation, and sea level rise adaptation as objectives for facility systems. (CD1)

### **Surplus Military Land ([HB 1352](#))**

Requires the Office of Planning to submit a report to the Legislature containing: (1) an inventory of lands within the State that are leased to or controlled by the federal government; (2) any known contaminants or environmental hazards associated with the inventoried lands based on past environmental studies; (3) input from executive branch departments and agencies and the Office of Hawaiian Affairs on proposed alternative uses for the lands that would be consistent with the departments and agencies' missions if the lands are returned to the State; and (4) its findings and recommendations, including proposed legislation, based on this information. Requires the Department of Land and Natural Resources and the Department of Health to submit reports to the Office of Planning. (CD1)

# DISRICT 20 NEWS

## Kapolei Interchange Complex – Phase 3

James Campbell Company, has had a public-private partnership with the Hawaii Department of Transportation to build the KIC since 2005. The growing number of businesses at the Kalaeloa Harbor and Campbell Industrial Park will soon be provided much-needed relief.

The first phase of the Harbor Access Road, a new State highway planned to connect H-1 to the Kalaeloa Harbor, via Phase 3 of the interchange complex, is now complete. Campbell Industrial is working with the HDOT to prepare Phase 3 as a “shovel ready” project to compete for the much talked about American infrastructure federal transportation dollars.

Phase 3 will open the door for better flow in and out of the industrial park during peak travel times. Additionally, the interchange will provide a much-needed connection to Kapolei Parkway, relieving circulation and providing direct access to H1 from Kapolei's commercial core.

## KES Groundbreaking

Kapolei Energy Storage Plus Power held their Groundbreaking on August 11, 2021. Plus Power is an independent developer of utility-scale battery storage projects developing a stand-alone battery storage project in Kapolei in response to the Hawaiian Electric Company's Phase 2 Requests for Proposals for Renewable Energy. Its 185 MW/565 MWh Kapolei Energy Storage project (KES) was selected by HECO as part of its recent state-wide renewable production and storage RFP.

This project will provide grid support services and allow the addition of more renewable energy to the HECO grid. Located on roughly eight acres of land in the Kapolei Harborside industrial project, it will interconnect at a critical Hawaiian Electric substation adjacent to District 20 in Campbell Industrial Park. The June 2022 completion of the KES project will ensure that the AES coal plant – the last-remaining coal-fired generation in Hawai'i – will end operations in September 2022, supporting the state's goal of shifting from fossil fuels to 100 percent renewable energy generation by 2045.

## UH West O'ahu Uluniu Tour

On July 14, I was invited to learn about UH West O'ahu's 'Uluniu ('ulu=breadfruit; niu=coconut) Project and to take a tour of the nursery. Mahalo nui to Indrajit Gunasekara and Manulani Aluli Meyer, UHWO Uluniu Project Leads, for inviting me and for the awesome visit.

There are 500+ niu seedlings planted and now growing in their Niu Nursery that they are planning on giving away in 2022 to the community. We discussed Cultural Agro-Forestry in Hawai'i and the importance of this project for food security in Hawai'i. “The Uluniu Project is about responding to the kāhea, the call... We are answering a call for relationship with land and thus to



On July 14, Sen. Gabbard and his wife, Carol visited the Uluniu Project site at UH West O'ahu. (Pictured L-R: Indrajit Gunasekara, Sen. Gabbard, Manulani Aluli Meyer, and Carol Gabbard.)

awaken to ways we can feed ourselves from the food of this relationship. Growing 'ulu/breadfruit and niu/coconut is one such response that will give us both — food and relationality.” – Manu Meyer. To learn more about this amazing project, please visit <https://bit.ly/UluniuProject>

## Hawai'i Surfer, Carissa Moore, Takes Olympic Gold Medal

On July 26, history was made when Carissa Moore, the only Native Hawaiian Olympic surfer, won the first ever women's gold medal in surfing at the Tokyo Olympics. Gov. Ige honored Carissa Moore in a proclamation ceremony in the Ceremonial Room at the state Capitol and proclaimed August 5 as "Carissa Moore Day."

Not only is she the youngest world surfing champion, winning her first title at 18 and three more titles since, but is the first woman to win an Olympic gold medal for surfing. John De Fries, Hawai'i Tourism Authority president and CEO; and Billy Pratt, of the HTA Surfing Advisory Committee were also on hand to extend their AlohaCongrats to Carissa.

## The Rental and Utility Relief Program

The City's Rental and Utility Relief Program reopened August 12 to accept 5,000 new applications. Please visit <https://www.oneoahu.org/renthelp> to see if you qualify. Only one person per household should apply.

The program can pay up to \$2,500/month for unpaid rent, electricity, water, sewer, and gas bills; \$2,000/month for rent, and \$500 a month for utility bills. For questions about the program, call (808) 768-CITY (2489). The City's call center is open from 8 a.m. to 4:30 p.m., seven days a week.