



WAIKIKI NEIGHBORHOOD BOARD NO. 9

› NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813
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February 9, 2022

Senate Committee on Government Operations

Senate Bill 2124

The Waikiki Neighborhood Board is in favor of the concept of SB 2124, Noise Control.

While the Honolulu Liquor Commission has an excellent enforcement branch there is an occasional noise complaint from a bar or other locations where liquor is served.

The concept of this bill should allow the Honolulu liquor commission to review and adjust current noise levels to meet the needs of each community.

With the exception of Hotel General, there are very few 4AM liquor outlets in Honolulu so this will probably support the control of special events that are serving alcohol.

Your support for this bill is greatly appreciated,

Robert Finley
Chair





**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

S.B. NO. 2124, RELATING TO NOISE CONTROL.

BEFORE THE:

SENATE COMMITTEES ON GOVERNMENT OPERATIONS AND ON HEALTH

DATE: Thursday, February 10, 2022 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Jennifer D. Waihee-Polk or Bryan C. Yee, Deputy Attorneys General

Chairs Moriwaki and Keohokalole and Members of the Committees:

The Department of the Attorney General provides the following comments.

Senate Bill No. 2382 creates a new section in chapter 281, Hawaii Revised Statutes (HRS), establishing noise level restrictions for liquor establishments (and outdoor areas under their control) to be enforced by summons or citation issued by law enforcement officers, and allows the county liquor commissions to revoke or suspend a liquor license, deny the application, renewal, or transfer of a license, or withhold issuance of a license when the licensee or applicant fails to take corrective action to address noise complaints of violations under this new section.

This bill may have unintended effects because the new section is placed in chapter 281, HRS, Intoxicating Liquor, rather than chapter 342F, HRS, Noise Pollution:

First, the Department of Health may lack the power to enforce this section. The liquor commissions are empowered under section 281-17(a)(10) to investigate violations of chapter 281, HRS, and violations of the applicable Department of Health's allowable noise levels. While the Department of Health has the power to prevent, control, and abate noise pollution in the State under section 342F-3, HRS, the Department of Health does not have the power to enforce chapter 281, HRS.

Second, chapter 342F, HRS, (and rules adopted by the Department of Health thereunder) will not apply to this section, including section 342F-5, HRS, Variances. Without the ability to apply for variances, liquor establishments will no longer have a

legal means to exceed maximum permissible sound levels for construction, agricultural, or industrial activities.

If the Committee wishes to avoid these effects, we recommend amending the bill as follows:

- (1) On page 1, lines 1-4, replace the wording to state as follows:

Chapter 342F, Hawaii Revised Statutes, is amended by adding to part II a new section to be appropriately designated and to read as follows:

"§342F- Noise violations; maximum permissible sound

- (2) On page 5, line 3, to page 6, line 2, delete subsection (e) and place it into a new section to read as follows:

SECTION ___. Chapter 281, Hawaii Revised Statutes, is amended by adding to part III a new section to be appropriately designated and to read as follows:

"§281- Revocation, suspension, or denial of license.

Notwithstanding any law to the contrary, the commission may revoke or suspend a license, deny the application, renewal, or transfer of a license, or withhold issuance of a license, if the licensee or applicant, as applicable, fails to take corrective action that, to the commission's satisfaction and approval, addresses:

- (1) Complaints from the public;
- (2) Reports from the commission's investigators;
- (3) Summons or citations issued pursuant to section 342F- ; or
- (4) Adjudications of the commission or the liquor control adjudication board,

indicating that noise emitting from an establishment, adjacent outdoor areas under the control of the establishment, including parking lots or lanais, or patrons entering or departing from the establishment disturbs residents on the street or of the neighborhood in which the establishment is located, the noise exceeds the applicable maximum permissible sound levels set forth in the county's noise codes or commission rules, or intrudes into nearby residential units, or the establishment is in violation of section 342F- ."

- (3) On page 6, line 3, redesignate subsection (f) to subsection (e) as follows:

"(e) As used in this section: . . ."

(4) On page 6, lines 13-14, replace the wording in the definition of "Establishment" to reference chapter 281, as follows:

"...proposed to be issued, renewed, or transferred pursuant to chapter 281."

(5) On page 6, line 15, to page 12, line 6, delete SECTION 2 and SECTION 3 in their entirety.

(6) On page 12, line 15, and on page 13, lines 7 and 18:

Delete "281- " and replace it with "342F- ."

Thank you for the opportunity to present this testimony.

SB-2124

Submitted on: 2/7/2022 2:38:54 PM

Testimony for GVO on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Samuel Mitchell	Individual	Support	Yes

Comments:

The Makiki Neighborhood has been having noise problems for years and HPD has not been able to do anything about it. That is why I 100% support SB2124. Please pass this bill.

Samuel Mitchell (Makiki NB-10 Member)

SB-2124

Submitted on: 2/7/2022 4:01:32 PM

Testimony for GVO on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
lynne matusow	Individual	Support	No

Comments:

This should have been law more than 30 years ago, when I first started complaining about noise issues, especially those coming from patrons of liquor establishments. I am not sure this bill covers all those of us who live in high rises, where sound rises, especially in honolulu, where many of use live in BMX zoning. No one ever considers that people live in these areas. That should be corrected.

We have had a hard time accessing instruments that measure the noise. The bill should also describe who operates these instruments as well as bass noise whose source is hard to determine.

SB-2124

Submitted on: 2/8/2022 7:42:44 PM

Testimony for GVO on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Midori Marcia Sue Trent	Individual	Support	No

Comments:

We would love to see the "gentle peace of old" to return to our Waikiki streets. Liltng music is good. Mild chatter is good. Happiness by the majority is good. Thank you.

SB-2124

Submitted on: 2/9/2022 9:56:01 AM

Testimony for GVO on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Denise Boisvert	Individual	Support	No

Comments:

Please accept my FULL SUPPORT of SB2124.

There is no need at all for a restaurant or store or any type of business to BLAST LOUD music out onto the street and into other people's residences or visitors' hotel rooms. Noise pollution is detrimental to health and well-being and so many people are forced to be a captive audience.

Mahalo to all Senator Moriwaki all her colleagues who have introduced this bill and who understand that noise pollution everywhere in Hawaii needs to be urgently controlled.

SB-2124

Submitted on: 2/9/2022 10:08:51 AM

Testimony for GVO on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kim Jorgensen	Individual	Support	No

Comments:

Aloha, and mahalo to Senator Moriwaki and all who introduced this bill. I FULLY SUPPORT SB2124 because I do not understand why (other than to get free attention) any business establishment would insist on constantly disturbing its neighbors with unnecessarily loud music and sounds. It seems like a total lack of respect to others. Please pass this bill out of your committees.

SB-2124

Submitted on: 2/9/2022 2:59:19 PM

Testimony for GVO on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jean Jeremiah	Individual	Support	No

Comments:

I strongly support SB2124 relating to noise control. I also recommend a hefty penalty fine imposed by offenders. SB2124 should also be strongly enforced especially in residential areas. There are some establishments that start their loud music as early as 11:00am in the morning, even on weekends. Music goes on - all day past midnight until 1:00am.

This affects residential neighborhood areas. Our children come home from school, need to do their homework. They cannot concentrate with such loud music coming from these bars and restaurants with Karaoke music. They need to be in bed by 9am and get up the next morning to go to school. Parents also need to sleep to get up early the next day to go to work. How is this possible with this loud music going on past midnight. In addition, customers from these establishments are cheering, singing, yelling, shouting when watching sports games on the huge screen provided by these establishments who have erected HUGE TENTS OUTSIDE WITH OPEN SIDES, facing the street. These huge TV screens should be provided in private rooms. I suggest HPD patrol these establishments and issue citations whenever noise level goes over the allowable limit. Three (3) strikes and liquor license should be revoked and huge penalty fines should be enforced.

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SB-2124

Submitted on: 2/10/2022 1:11:13 PM

Testimony for GVO on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Becky Faunce	Individual	Support	No

Comments:

I welcome any and all efforts to reduce the increasing amount of harmful and disruptive noise in our Hawaii. In earlier times, the spirit of aloha, of thinking about how your actions affected others, prevailed. But with greater interest in self, we need laws to bring us back to our better kinder behaviors. The disruptive low frequency booming from, in my neighborhood, the Waikiki Yacht Club on Friday evenings, makes my condo just about uninhabitable. I can't escape it until it finally stops at 10 pm. I suspect every dwelling unit in proximity to such establishments endures this disruption. Thank you for your efforts. I support this legislation as amended by the Attorney General.