

**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SCOTT J. GLENN
DIRECTOR

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Statement of
SCOTT GLENN, Director

before the
HOUSE COMMITTEE ON HOUSING
and
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Friday, February 3, 2023, 10:35AM
State Capitol, Conference Room 325

in consideration of
HB 1247
RELATING TO DEVELOPMENT PROJECTS.

Chairs Hashimoto and Lowen, Vice Chairs Aiu and Cochran, and Members of the House Committees on Housing and Energy & Environmental Protection:

The Office of Planning and Sustainable Development (OPSD) offers the following **comments** on HB 1247, which proposes to:

- (1) Exempt affordable housing and certain qualifying housing development projects from HEPA;
- (2) Establish a definition of “program” and “project” to preempt the existing definitions under section 11-200.1-2, Hawaii Administrative Rules, and narrow the existing interpretation that requires analysis of tangentially related projects;
- (3) Amend the applicability and requirements section of HEPA to clarify when multiple actions must be considered in the same environmental review document for the purposes of project segmentation;
- (4) Require that project opponents exhaust their administrative remedies as a prerequisite to litigation for environmental assessments (EA) and environmental impact statements (EIS); and
- (5) Retroactively apply the new amendments under this Act to projects that received approval for EA or EIS on or after August 9, 2019.

The following comments relate to the numbered points above:

- (1) Currently, the administrative rules that implement Hawaii Revised Statutes (HRS) Chapter 343, commonly referred to as the “Hawaii Environmental Policy Act” (HEPA), provide agencies with the discretion to exempt the new construction of affordable housing projects, where “affordable” is defined by the proposing or approving agency, from preparing an EA or EIS. This option is available when four conditions are met: 1) the triggers are only state or county lands or funds or being located in Waikiki; 2) occurs on land already designated Urban by the State Land Use Commission; 3) occurs on land

already zoned to allow housing; and 4) does not require variances for shoreline setbacks or occurring in environmentally sensitive areas.

HB 1247 imports much of this language from Hawaii Administrative Rules (HAR) §11-200.1-15 into the statute. It also makes changes to the language that change the nature of the exemption. These changes include statutorily exempting all housing that meets certain conditions based on the number of residential units, none of which are required to be affordable, which was the basis for public support of including the exemption in the administrative rule.

Another notable change is the substitution of the rules requirement for being located on Urban land for a requirement that the proposal be consistent with the existing county general plan or development plan classification that allows housing. This would extend the applicability of this exemption to agricultural, rural, or conservation land use districts, which were objections the public raised during the Environmental Council's (Council) rule making.

- (2) HB 1247 proposes to supersede the definition of “project” and “program” in the rules. Adding definitions for these key terms in statute has been long desired and their 40-year absence from statute since the inception of HRS Chapter 343 in 1974 (Act 246) has led to confusion and multiple court interpretations. In response to the 2017 *Umberger v. Department of Land and Natural Resources* (DLNR) ruling and the timeliness of the rulemaking effort underway, the Council crafted definitions for the terms that underwent multiple rounds of public vetting before promulgation as rules.

The OPSD notes that the definition for “project” is identical to the one in HAR §11-200.1-2.

For the definition of “program,” HB 1247 imports much of the language from HAR §11-200.1-2, with a notable omission and the addition of new language. HB 1247 omits the following from the examples of what a program may be:

“...an entire plan having wide application or restricting the range of future alternative policies or actions, including new significant changes to existing land use plans, development plans, zoning regulations, or agency comprehensive resource management plans...”.

The purpose of including this example was to clarify to state and county agencies that planning and environmental review for public or private programs may be combined into a concurrent process. Omitting this language with the express intent to preempt the rules language would create confusion among agencies on the ability to combine planning and environmental review, as was the case prior to the adoption of the 2019 rules. Moreover, this example approach is allowed and encouraged under the federal National Environmental Policy Act (NEPA). This amendment has the potential to adversely affect all state and county agencies undertaking master planning and/or joint

environmental review with NEPA, inadvertently requiring sequential master planning then environmental review, causing additional months to years and hundreds of thousands of tax dollars in additional work; and/or duplicative state and federal processes because the definition of program has been overly narrowed to no longer allow for the alignment of one document and process for a program to do planning and environmental review or jointly funded with federal and state or county resources.

HB 1247 inserts independent utility language (“independently implemented”) and appends the following to the definition of “program”: “(the) common use, development, or funding of shared infrastructure does not create a presumption of a program. Shared responsibility among one or more projects for compliance with conditions of regulatory approval imposed by the State or local agency does not create a presumption of a program.” The purpose of preempting the existing definition is to narrow recent court interpretations that required analysis of tangentially related projects; it is unclear that this language addresses the stated need to provide greater certainty for developers.

The OPSD recommends consultation with agencies and applicants on the potential inadvertent increases in time, cost, and process that the narrowing of this definition might incur.

- (3) HB 1247 imports the language for segmentation from HAR §11-200.1-10 with changes. The proviso added to item (1) that “each component action depends on and cannot be implemented independent of the other phases or increments” is commonly known as the “independent utility test” used in courts to help identify segmentation. Inclusion of this language or a variation of it in effect codifies an understanding in practice from court rulings. The OPSD has no specific comments on the other amendments in this section.
- (4) Section 5 of the bill proposes amendments to the language in HRS §343-7(b) with the stated intent of requiring that project opponents exhaust their administrative remedies as a prerequisite to litigation for EAs and EISs. This language appears to be modeled on the language in HRS §343-7(c), which the Legislature added in Act 152, Session Laws of Hawaii 2021.
- (5) In Section 6(a) and Section 8, HB 1247 refers to EAs and EISs being approved, but “approval” is a defined term of art in HRS §343-2 that does not apply to these instances. Should the Committees choose to advance this measure, the OPSD recommends the following:

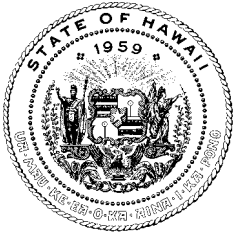
Section 6(a): “The amendments to sections 343-2 and 343-3, Hawaii Revised Statutes, made by this Act shall in no way affect the validity of any [~~environmental assessment or environmental impact statement~~] finding of no significant impact or acceptance on or after August 9, 2019.”

Section 8: “This Act shall take effect upon its approval and shall apply retroactively to projects and programs that received [~~approval~~] a finding of no significant impact for

[~~their~~] its environmental assessment or acceptance for its environmental impact statement on or after August 9, 2019.”

Finally, Section 6(c) refers to HRS Chapter 343 as the “Hawaii Environmental Policy Act”. As noted above, HEPA is a term only used in court rulings, guidance, and colloquially, but not in the statute itself. The OPSD recommends replacing this with “Chapter 343 Environmental Impact Statements”.

Thank you for the opportunity to testify on this measure.



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
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Testimony of the Environmental Advisory Council on HB 1247
Before the House Committee on Housing and
the House Committee on Energy & Environmental Protection
Conference Room 325 & Videoconference
February 3, 2023 at 10:35 am

Josh Green, M.D.
Governor

Chairperson
Puananionaona Thoene

Vice Chair
Mary Begier

Members
Roy Abe
Stephanie Dunbar-Co
Dawn Hegger-Nordblom
Makaala Kaaumoana
Ian Robin Kaye
Theresita Kinnaman
Michele Lefebvre
Gordon Scruton, Jr.
Rachel Sprague
Ron Terry
Michael Tulang
N. Mahina Tuteur

Aloha Chair Hashimoto, Vice Chair Aiu, and Members of the House Committee on Housing, and Chair Lowen, Vice Chair Cochran, and Members of the Committee on Energy & Environmental Protection:

I am the Chair of the State of Hawai'i Environmental Advisory Council (EAC) and submit the following **COMMENTS** of House Bill (HB) 1247 on behalf of the EAC.

HB 1247 would amend Hawai'i Revised Statutes (HRS) Chapter 343 to do the following:

1. Exempt affordable housing and other "qualifying" housing development projects from HRS Chapter 343 review;
2. Establish definitions of "project" and "program" in HRS Chapter 343 and preempt the definitions in Hawai'i Administrative Rules (HAR) Title 11, Chapter 200.1;
3. Amend HRS Chapter 343 to clarify when multiple actions must be considered in the same environmental review document, thus potentially changing the required cumulative impacts analysis;
4. Require project opponents to exhaust their administrative remedies as a prerequisite to litigation on an environmental assessment (EA) and environmental impact statement (EIS); and
5. Retroactively apply the new amendments to projects that received approval for their EA or EIS on or after August 9, 2019.

The EAC understand the critical need for affordable housing in our State and that the time and expense of preparing an EA or EIS can place a substantial burden on projects, including affordable housing projects. For this reason, the EAC in 2019 proposed a new exemption for affordable housing under certain circumstances during its update of the rules implementing HRS Chapter 343, which resulted in new rules at HAR Title 11, Chapter 200.1. The particulars of the exemption were carefully decided upon after consultation during multiple public meetings with parties representing both development and environmental perspectives. The comment process during the rules update indicated strong support for the language of the new exemption as an acceptable compromise.

However, the EAC remains open to reasonable refinements of this exemption that continue to protect our environment and include transparency in government decision-making. The EAC is not taking a position on the substance of the bill at this time, but urges the Legislature to balance interests as it considers this important question.

The current exemption for affordable housing projects that meet certain criteria is set forth in exist in the HAR 11-200.1-15 (10):

- (10) New construction of affordable housing, where affordable housing is defined by the controlling law applicable for the state or county proposing agency or approving agency, that meets the following:
 - (A) Has the use of state or county lands or funds or is within Waikiki as the sole triggers for compliance with chapter 343, HRS;
 - (B) As proposed conforms with the existing state urban land use classification;
 - (C) As proposed is consistent with the existing county zoning classification that allows housing; and
 - (D) As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200.1-13(b)(11).

Section 2 of the bill has the potential to vastly expand the existing exemption. Furthermore, the bill could potentially be interpreted not to address the HAR 11-200.1 exemption process at all, but instead to exclude new construction housing development projects (under certain conditions) from any consideration of HRS 343. The bill states:

“§343- Housing development projects consistent with environmental policies or long-term environmental goals established by law; exemption. (a) New construction housing development projects shall be *exempt from the requirements of this chapter if:...*” [emphasis added]

The EAC seeks clarification on which pathway the Legislature intends to use: expanding the HAR § 11-200.1-15(10) exemption conditions, or removing affordable/qualified housing under certain conditions from HRS Chapter 343 consideration altogether, similar to renewable power projects. Although the exemption process outlined in HAR § 11-200.1-15 may not require an EA or EIS, it still entails a formal written analysis in the form of an exemption notice that must involve substantive consultation with other parties, notification to the public of the exemption determination in *The Environmental Notice*, and provides for a means to challenge the decision not to require an EA or EIS. These critical safeguards ensure proper consideration that verifies the applicability of the exemption and the absence of significant effects within a sensitive environment or significant cumulative effects.

Section 3 of the bill proposes to add definitions of "project" and "program" to the HRS Chapter 343. The EAC supports adding of definitions to the statute. By way of background, the rules

update in 2019 added definitions of "project" and "program" because no such definitions were included by the Legislature in enacting HRS Chapter 343. Because of the lack of definitions for these terms in either the statute or the then-existing EIS rules, in 2017, the Hawai'i Supreme Court was required to provide its own definitions of "project" and "program" and did so in its decision in *Umberger v. Dep't of Land and Natural Res.* Those definitions needed to be refined to comport with actual practice, so the Office of Environmental Quality Control (now the Office of Planning and Sustainable Development (OPSD), Environmental Review Program) and the EAC engaged spent significant time crafting definitions of these terms, through consultation with stakeholders. The bill's proposed definition of "project" is identical to what's in the HAR Title 11, Chapter 200.1, however, the proposed definition of "program" differs in some significant respects, which are detailed in OPSD's testimony on this bill.

The EAC has no comments on Section 4 of the bill.

Section 5 of the bill purports to amend HRS § 343-7(b), which details when a finding of no significant impact determination for an EA may be challenged, and incorporates like prerequisites to challenge an EIS in HRS § 343-7(c) to subsection (b). The EAC notes that the term "statement" is intended to apply to an EIS, not an EA and therefore recommends that Section 5 be amended as follows (added/deleted language is bolded):

(b) Any judicial proceeding, the subject of which is the determination that a statement is required for a proposed action, shall be initiated within sixty days after the public has been informed of such determination pursuant to section 343-3. Any judicial proceeding, the subject of which is the determination that a statement is not required for a proposed action, shall be initiated within thirty days after the public has been informed of such determination pursuant to section 343-3. The applicant shall be adjudged an aggrieved party for the purposes of bringing judicial action under this subsection. ~~[Others, by environmental court action, may be adjudged aggrieved.];~~ provided that the contestable issues shall be limited to those issues identified by the accepting authority as the basis for requiring a statement. Affected agencies and persons who provided written comments to an **environmental assessment accepted statement** during the designated review period shall be adjusted aggrieved parties for the purpose of bringing judicial action under this subsection; provided that for other aggrieved parties, the contestable issues shall be limited to those identified and discussed in the written comments.

One final point is that although an EA or EIS can be a significant effort in terms of time and expense, most of the information contained in such a document may be required for other permits and approvals that most housing projects would need to undergo, such as a Change of Zone, State Land Use District Boundary Amendment, and Section 201h Pre-emption. When federal funding is involved, the HRS Chapter 343 EA assists greatly in developing National Environmental Policy Act (NEPA) EAs, as well as Section 7 consultation under the Endangered Species Act and Section 106 consultation under the National Historic Preservation Act. It would be a rare project in which the information developed in an EA or EIS would not be needed for the substantive permits or approvals for the development to proceed. Furthermore, the public is

familiar with and puts great faith in the integrity and transparency of the HRS Chapter 343 process.

Thank you for the opportunity to testify on this measure.

Puananionaona Thoene
Chair
Environmental Advisory Council

Robin Kaye
Chair
EAC Legislative Committee



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON HOUSING

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 3, 2023 10:35 AM CCR325

In **OPPOSITION** to **HB1247**: Relating to Development Projects

Aloha Chairs Hashimoto and Lowen, Vice Chairs Aiu and Cochran, and Members of the House Committees on Housing and Energy & Environmental Protection,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES 1247**, which could result in significant and unnecessary environmental, socioeconomic, and cultural impacts to the public interest, from housing development on public lands or using public funds.

Last year, the legislature appropriately deferred HB1750, which would have similarly exempted affordable housing developments on public lands or using public funds from any environmental review. Since that time, the Sierra Club of Hawai'i, along with representatives of the Environmental Advisory Council, other environmental advocacy organizations, affordable housing developers, and representatives of the larger development community, has dedicated significant time and energy to drafting a regulatory amendment that would have allowed certain affordable housing development projects to be categorically exempted from environmental assessment requirements, with "guardrails" ensuring appropriate consideration of native and endangered species habitat, water security, food security, and cultural integrity – all matters of important public interest not just to ourselves, but to future generations. The Sierra Club understands that a planned presentation on the draft rule amendment developed through this fruitful collaborative process was only recently deferred, due to last minute scheduling challenges encountered by Environmental Advisory Council members organizing the event.

The Sierra Club respectfully urges the Committees to allow this nearly year-long collaborative process to be completed before considering the much more expansive, wholesale exemption to environmental review proposed in this measure. Meanwhile, the Sierra Club notes that there are a number of strategies, many of which are currently under consideration by this legislature, that may help to address the multi-faceted housing crisis our islands are experiencing – without risking potentially unnecessary and irreversible erosion of critically important public interests, or substantial public conflict and controversy. These include:

- enhanced regulation and enforcement of vacation rentals;
- investments in municipal wastewater system upgrades;
- water source development and water conservation and reuse measures, to ensure greater availability of water for housing;



SIERRA CLUB OF HAWAI'I

- meaningful enforcement of agricultural zoning, to prohibit further “gentleman farm” developments and associated real estate speculation;
- conveyance tax increases targeted at residential property sales valued in ranges that almost exclusively involve non-Hawai'i buyers;
- audits of county planning departments for opportunities to increase permitting efficiency;
- investigations into the use of Department of Defense monthly basic allowances for housing (approx. \$2,000-\$4,000/month) to purchase real property or secure off-base rental housing needed by Hawai'i residents;
- increases in the age of buildings that would be considered “historic property” subject to State Historic Preservation Review;
- investments in competitive salaries for State Historic Preservation Division (SHPD) staff and/or the authorization of third party reviewers to fulfill SHPD’s historic review responsibilities, subject to safeguards that can leverage the institutional memory of SHPD and the Office of Hawaiian Affairs;
- tax relief for long-term residential properties and tax increases for residential properties left vacant, or used for short-term vacation rentals;
- infrastructure development support for Department of Hawaiian Home Lands homesteads;
- financial literacy training and financial savings match incentives through individual development accounts designed to help individuals and families secure stable rental housing or first home purchases;
- a prohibition on housing discrimination against section 8 recipients;
- a prohibition on no-cause evictions subject to extenuating circumstances;
- rent controls for properties purchased by private equity firms;
- utility subsidies or tax relief for low-income rural communities that host utility-scale energy developments, landfills, or other community “disamenities”;
- investments in evidence-based Housing First policies;
- investments in social services and interventions for those experiencing mental health challenges;
- meaningful rehabilitation and reentry support for pa‘ahao reentering the community;

and many other “low hanging fruit” policies that can begin to tackle the root causes of our housing challenges, in an equitable, less controversial, and less potentially harmful manner.

The Sierra Club emphasizes that the exemption from our environmental review law as proposed by this measure may impact a range of public interests in the use and development of our public lands. Our environmental review law has, for 40 years, played a critical role in ensuring that certain decisions potentially impacting our islands’ environmental, cultural, and socioeconomic integrity are carefully and transparently assessed by government decisionmakers. The environmental review law also helps to ensure that decisionmakers explicitly consider ways to avoid such impacts, to the extent feasible. Notably, the environmental review process includes opportunities for decisionmakers and project planners to be informed by those with a wide range of expertise, insight, and experiences, who can identify and offer mitigation recommendations for the broad spectrum of specific impacts that may arise from



particular projects. Exempting development projects from environmental review may therefore result in less-than-fully-informed project planning and decisionmaking, which could lead to significant, unanticipated, and potentially avoidable impacts to the public's interests.

The Sierra Club appreciates that certain privately-funded affordable housing projects on private lands may in some instances not be subject to the requirements of our environmental review law. However, the heightened public interest in the use of our limited public land base, and the fiduciary public trust obligations of government entities in the use and disposition of our public lands and resources,¹ strongly counsel retaining the careful analysis, transparency, and input opportunities that environmental review provides.

Our public lands are held in trust for the benefit of present and future generations, and potentially irrevocable environmental, cultural, and socioeconomic impacts should be carefully considered when making major decisions regarding their development. Accordingly, the Sierra Club respectfully urges the Committees to **HOLD** HB1247. Thank you very much for this opportunity to testify.

¹ See HAW. CONST. ART. XI SEC. 1.



House Committee on Housing / House Committee on Energy & Environmental Protection

Hawai'i Alliance for Progressive Action (HAPA) OPPOSES: HB1247

Friday, February 3rd, 2023 10:35 a.m. Conference Room 325

Aloha Chair Hashimoto/Lowen, Vice Chair Aiu/Cochran and Members of the Committees,

HAPA Opposes HB1247.

HB1247 exempts affordable housing and certain qualifying housing development projects from HEPA which could result in significant and unnecessary environmental, socioeconomic, and cultural impacts to the public interest, from housing development on public lands or using public funds.

Please respect the significant time and energy committed to improve previous measures and allow the nearly year-long collaborative process to be completed before considering the much more expansive, wholesale exemption to environmental review proposed in this measure.

There are a number of strategies, many of which are currently under consideration by this legislature, that may help to address the multi-faceted housing crisis our islands are experiencing – without risking potentially unnecessary and irreversible erosion of critically important public interests, or substantial public conflict and controversy.

Many things have been suggested already by other stakeholders as meaningful ways to address the housing issue without threatening our environmental protections or laws. There are many other ways for policies to meaningfully and immediately tackle the root causes of our housing challenges, in an equitable, less controversial, and less potentially harmful manner.

The exemption from our environmental review law as proposed by this measure may impact a range of public interests in the use and development of our public lands. Our environmental review law has, for 40 years, played a critical role in ensuring that certain decisions potentially impacting our islands' environmental, cultural, and socioeconomic integrity are carefully and transparently assessed by government decision makers. The environmental review law also helps to ensure that decision makers explicitly consider ways to avoid such impacts, to the extent feasible. Notably, the environmental review process includes opportunities for decision makers and project planners to be informed by those with a wide range of expertise, insight, and experiences, who can identify and offer mitigation recommendations for the broad spectrum of specific impacts that may arise from. Exempting development projects from environmental

review may result in less-than-fully-informed project planning and decision making, which could lead to significant, unanticipated, and potentially avoidable impacts to the public's interests.

Our public lands are held in trust for the benefit of present and future generations, and potentially irrevocable environmental, cultural, and socioeconomic impacts should be carefully considered when making major decisions regarding their development.

Please defer HB1247.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Anne Frederick". The signature is fluid and cursive, with a large initial "A" and "F".

Anne Frederick
Executive Director

HB-1247

Submitted on: 2/1/2023 4:52:22 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
david gierlach	st elizabeth's church	Oppose	Written Testimony Only

Comments:

I respectfully oppose this bill. While it is true that we face a crisis in affordable housing, we do not face a crisis for housing of all kinds. In fact, we have a plethora of housing available to the rich. To waive regulations even for multi million dollar units is unnecessary and unreasonable. Such an exemption should only apply to developments targeted at 80% of area median income or less. This is where the need is. Let us not use the affordable housing crisis to open the floodgates to developments that serve only the wealthy. I therefore respectfully oppose this bill.



Environmental Caucus of The Democratic Party of Hawai'i

Feb 1, 2023

TO: The House Committees on Housing and on Energy and Environmental Protection

Concerning HB 1247

Position: Against (as currently written)

Aloha Chairs, Vice Chairs and Committee Members

Please forgive the informality of this testimony as there was an issue of time.

The Environmental Caucus is concerned that the current wording in the bill is too vague and would seem to allow any form of housing, as well as affordable housing, to bypass or be exempt from the current HEPA regulation and all other forms of environmental reviews, limitations and concerns.

No housing project should be completely exempt from the necessary environmental reviews. Some latitude might be acceptable for necessary and truly affordable housing as long as the exemptions were clearly spelled out. HEPA regulations and other concerned agencies would have to be sure that anything about the proposed construction would not cause significant harm to the environment before we would support any related bill.

We know that building projects need a more streamlined process than currently exists. But Streamlining is not another term for getting around safety requirements, building codes, or Environmental concerns.

We do not support this bill as it is written.

Martha E Randolph
Precinct 2 Rep, District 27 Council
DPH Environmental Caucus SCC Representative
Member of Legislative Priorities Committee
Democratic Party of Hawaii

HB-1247

Submitted on: 2/1/2023 7:47:51 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	FREE ACCESS COALITION	Oppose	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition opposes this unfair Bill that uses Affordable housing as a cover to circumvent construction limitations to ensure proper building codes.

January 31, 2023

Rep. Troy N. Hashimoto, Chair
Rep. Micah P.K. Aiu, Vice Chair
Committee on Housing

Rep. Nicole E. Lowen, Chair
Rep. Elle Cochran, Vice Chair
Committee on Energy & Environmental Protection

Friday, February 3, 2023

10:35 A.M.

Via Videoconference



RE: **HB1247** Relating to Development Projects (**Oppose**)

Dear Chairs Lowen & Hashimoto, Vice Chairs Cochran & Aiu, and Members of the Committees,

The Chamber of Sustainable Commerce (CSC) testifies in opposition to HB1247, which exempts qualified housing development projects from the Hawaii Environmental Protection Act and erodes other processes and procedures that are in place to ensure we do not further degrade our environment simply to pad the profits of a few real estate developers/investors.

As business owners who believe we can strengthen our economy without hurting employees, consumers, communities or the environment, we urge this committee to defer HB1247. We can continue to build the affordable housing we need to in Hawaii without these overly broad, sweeping exemptions to our environmental safeguards.

Instead of circumventing these important laws and administrative rules to save time, lawmakers should allocate more funding to the government offices with the greatest backlog so they can recruit and retain workers to process the work developers rely on to build affordable housing.

Alternatively, consider amending this broadly titled bill to effect a moratorium on all luxury development so those types of projects no longer slow down the processing of affordable housing projects; lift the moratorium on luxury only after we have built all the affordable housing supply we need.

**Hawaii
Legislative
Council**

Maile Meyer
Na Mea Hawaii
Honolulu

Russel Rudderman
Island Naturals
Hilo / Kona

Tina Wildberger
Kihei Ice
Maui

Joell Edwards
Wainiha Country Market
Kauai

Kim Coco Iwamoto
AQuA Rentals, LLC
Honolulu

HB-1247

Submitted on: 2/1/2023 10:19:12 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Megan Fox	Malama Kaua'i	Oppose	Written Testimony Only

Comments:

This should apply only to affordable housing; as it is written it only supports developers and not the average resident of Hawai'i.

HB-1247

Submitted on: 2/2/2023 6:07:33 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Gary Hooser	Pono Hawaii Initiative	Oppose	Written Testimony Only

Comments:

Chair and Committee Members,

I'm sure by now you all are aware of how bad HB1247 is and I am hopeful you will not allow this measure to move forward.

Please help send a message that it is not necessary to sacrifice environmental protections in order to achieve the goal of increasing affordable housing. This is not an either-or choice.

As the former Director of the Office of Environmental Quality Control (OEQC) I am keenly aware of the HEPA law and Chapter 343. Environmental reviews are critically important to protect the health and environment of our communities and HEPA protections must not be eliminated as is being proposed in HB1247.

HB1247 is retroactive to 2019 which begs the question - Who will benefit? What specific projects will benefit? What specific developers will benefit? The introducers of this measure should disclose this information.

Please vote to kill this bill.

Gary Hooser

Pono Hawaii Initiative

Kūpuna for the Mo'opuna
committed to the well-being of Hawai'i for the next generations to come
kupuna4moopuna@gmail.com



COMMITTEE ON HOUSING

Rep. Troy N. Hashimoto, Chair

Rep. Micah P.K. Aiu, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair

Rep. Elle Cochran, Vice Chair

Date: Friday, February 3, 2023

Time: 10:35am

Room: 325

HB 1247 - RELATING TO DEVELOPMENT PROJECTS.

STRONG OPPOSITION

Aloha Chairs, Vice Chairs, and Members of the House Committees,

Kūpuna for the Mo'opuna, a network of homestead farmer beneficiaries of the Hawaiian Homes Commission Act from Pana'ewa, Hawai'i, provide testimony in **STRONG OPPOSITION to HB 1247.**

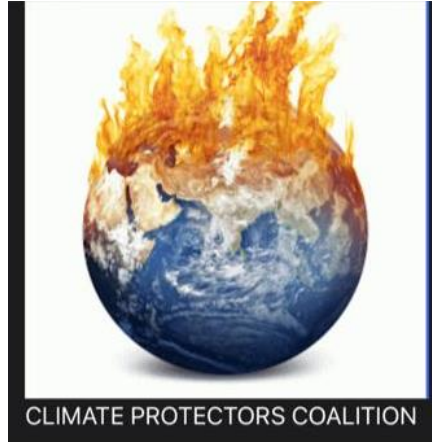
HB 1247 proposes to exempt development projects from Hawai'i's environmental review process. This exemption is unnecessary due to ongoing collaborative discussions between major stakeholders of affordable housing and environmental advocates to develop win-win regulatory guidelines. Please allow this collaboration to continue.

Exempting development projects from environmental review laws, no matter the well-intended purpose of the development, must not be allowed because of the negative impact on our public lands. These public lands are held in trust for the benefit of present and future generations. The use of our limited public land base, and the fiduciary public trust obligations of government entities in the use and disposition of our public lands and resources requires environmental review protections. **Please HOLD HB 1247.**

Mahalo,

Kūpuna for the Mo'opuna

Ua mau ke ea o ka 'āina i ka pono.



To: The Honorable Chairs Troy Hashimoto and Nicole Lowen , the Honorable Vice Chairs Micah Aiu and Elle Cochran, and Members of the Committees on Housing and Energy and Environmental Protection.

From: Hawaii Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)

Re: **Hearing HB1247 RELATING TO DEVELOPMENT PROJECTS**

Hearing: Friday February 3, 2023, 10:35 a.m., room 325

Aloha Chairs Hashimoto and Lowen, Vice Chairs Aiu and Cochran, and Members of the Committees on Housing and Energy and Environmental Protection:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. The Climate Protectors Hawai'i seek to educate and engage the local community in climate change action, to help Hawai'i show the world the way back to a safe and stable climate.

I served for 15 years as the attorney for the Environmental Council and the Office of Environmental Quality Control and advised the Council during the years when it was drafting the current rules.

The Hawaii Reef and Ocean Coalition and Climate Protectors Hawai'i respectfully but STRONGLY OPPOSE this bill.

This bill says it would exempt affordable housing projects and certain qualifying housing developments from the requirements of the Hawaii Environmental Policy Act, H.R.S. c. 343 (HEPA). The bill, however, appears to apply to all new construction housing that is at least two-thirds residential, except in environmentally-sensitive areas, even if they involve State land or funds. Hawaii does need affordable housing and we don't oppose such development. But, this bill goes far beyond exempting some housing projects from HEPA.

The reasons for Hawaii's critical need for affordable housing go far beyond our environmental review statute and rules. The resolution to our housing crisis is not to jettison decades of statutes and judicial decisions around environmental reviews, as well as carefully crafted administrative rules and administrative determinations, all designed to ensure that the environmental risks of projects are disclosed before projects are permitted or constructed.

The environmental review statute, HRS c. 343, and the rules promulgated thereunder, ensure that environmental risks are assessed upfront, so that projects do not waste resources proceeding toward construction before disclosure of risks and without adequate public input, only to have the public realize too late that the project hadn't disclosed all of the ways in which a program may harm the environment.

In 2019, the Environment Council completed several years of careful work and proposed Hawaii Administrative Rules (HAR) chapter 11-200.1. Developers participated in the process and filed comments. The rules were approved with unanimous or nearly unanimous support of the Environmental Council and promulgated by the Governor.

This bill would gut the environmental review process in Hawaii under chapter 343 and the rules in HAR 11-200.1 in the following ways:

1. It would overturn a key provision of the rules that prevents artificial segmentation of projects, allowing programs to avoid disclosure of their entire impact. A program that can be built in independent phases would now not need to disclose all environmental impacts or risks.
2. The bill would exclude the analysis of related projects from the disclosure of environmental risks, which is contrary to the existing interpretation of chapter 343.

3. The bill would expand the requirement that project opponents must exhaust their administrative remedies as a prerequisite to litigation to apply to environmental assessments and environmental impact statements. HEPA is primarily enforced by judicial actions, not administrative agencies; this provision sets up artificial hurdles for anyone who is concerned about full disclosure of the environmental risks of a project.
4. The bill would allow applicants to be aggrieved parties and bring judicial action against the failure to approve an environmental impact statement, but limits the corresponding rights of agencies and people who filed written comments to the issues identified and discussed in the written comments.
5. Most egregiously, the bill would apply retroactively for as much as three and a half years, applying to projects that received approval for their environmental assessment or environmental impact statement on or after August 9, 2019.

This bill is a sledge hammer against the environmental review statute that has been in place for decades, when a tuning fork would be more appropriate. Gutting HRS c. 343 is not the answer.

The Hawaii Reef and Ocean Coalition and Climate Protectors Hawai'i respectfully but **STRONGLY OPPOSE** this bill and ask that the committees defer it. Thank you for the opportunity to testify.

Hawaii Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)



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Helping to keep Hawai'i
clean, green, beautiful,
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since 1912

February 2, 2023

RE: Strong opposition to HB1247 by The Outdoor Circle

Dear House Committee Members,

The Outdoor Circle strongly opposes HB 1247 Relating to Development Projects.

As we have seen from projects throughout the state, under the guise of promoting affordable housing, these laws are designed to ignore the protection of our sensitive and unique environment, existing zoning/planning policies and laws.

Legalizing further destruction of our sensitive environment and protected view planes through exemptions is wreaking havoc on established and comprehensive planning, laws and policies that have been put in place to preserve and protect and Hawaii.

Please do not further damage our state by advancing bills like HB1247, which simply bypass critically important laws carefully crafted over decades of work.

As important, it would further weaken vital public input into developments in neighborhoods and environmentally sensitive areas. We need more, not less, public input. This bill is bad for the environment, our state and our democratic process.

You have many excellent pieces of testimony before you regarding the specifics of opposition to this bill. Please carefully read them and do not advance this, or any similar legislation.

Please oppose HB1247.

Sincerely,

Winston Welch
Executive Director

LATE

HB-1247

Submitted on: 2/2/2023 6:50:21 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Clean the Pacific	Oppose	Written Testimony Only

Comments:

Capitalism (kapetal-izem) n. An economic system for the exploitation of land and people for profit. What has been the result? Tonight when you go home, I urge you to take a look at Google Earth satellite view. Take a look at the United States from a distance that encompasses the entire country. Now zoom in on an area you think is wilderness. You will see the horrifying truth, humans have taken it all, all of it! It happened little by little, by business people and politicians saying, what's one more little project going to hurt? There's no shortage of rationalizations when it comes to making money, but the truth is, without a huge percentage of wilderness habitat, humanity won't survive. We can't survive without the other animals. We can't survive without pristine, unexploited animal habitat, no roads, no buildings, no drilling, logging, or mining. Already 70% of the animal habitat on Earth has been takeover by humans. I know it's an anathema to even think of leaving land alone and not putting it to use for our desires, but that's exactly what you need to do. This bill is nothing more than another attempt to work around legislation and regulations so that developers can exploit land for money. period. Don't fall for it and stay strong. Thank you.



EARTHJUSTICE

LATE

REPRESENTATIVE TROY N. HASHIMOTO, CHAIR
REPRESENTATIVE MICHAH P.K. AIU, VICE CHAIR
HOUSE COMMITTEE ON HOUSING

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
REPRESENTATIVE ELLE COCHRAN, VICE CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

TESTIMONY IN **STRONG OPPOSITION** TO HOUSE BILL 1247,
RELATING TO DEVELOPMENT PROJECTS

February 3, 2023, 10:35 a.m.
Room 325
State Capitol
415 South Beretania Street

Dear Chairs Hashimoto and Lowen, Vice-Chairs Aiu and Cochran, and members of the House Committees on Housing and Energy & Environmental Protection:

Earthjustice **strongly opposes HB 1247**, which seeks to gut the Hawai'i Environmental Policy Act ("HEPA"), by broadly exempting housing development projects from this bedrock environmental law. Based on our decades of experience implementing and upholding this law, we see no need for the proposed amendments, which falsely use the affordable housing crisis as an excuse to take a sledgehammer to the HEPA in favor of real estate developers. Please reject and hold this bill.

Environmental review laws like HEPA and its national counterpart NEPA have been recognized as the "Magna Carta of the environment." The legislature established HEPA more than 40 years ago to enable the disclosure of environmental impacts of projects so that "environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole." Haw. Rev. Stat. § 343-1. This purpose is just as or even more fundamentally sound and important as when the law was originally passed.

We seriously object to HB 1247's preamble, which blames "environmental review laws" for "mak[ing] it inordinately burdensome to obtain approvals for new [housing] development." We suggest that the bill's proponents transparently disclose specific examples and concrete data for this claimed problem, rather than relying on bare accusations. We would expect that HEPA is a relatively insignificant or nonexistent factor in comparison to a long list of real problems (e.g., building permit delays) and effective solutions that the legislature should more productively pursue rather than attacking bedrock environmental laws.

The further explanations in the preamble also make no sense. The underlying complaint seems to be against the rule that project applicants cannot “segment” projects to evade environmental review. This has been a basic precept and principle of these laws from the beginning, backed by decades of court precedent. The further accusation that “courts have interpreted the provision overbroadly” is untrue and unsupported. See, e.g., the *Nuuuanu Valley Association* case, in which the Hawai’i Supreme Court limited HEPA’s scope to exclude a housing development with no direct and substantial use of state lands.

Having begun with these false premises, the bill proceeds to suggest various unnecessary and harmful amendments to HEPA:

- Sweeping exemption of “housing development projects.” This has no direct connection to affordable housing, but rather drastically seeks a wholesale exemption of housing development. The bill also proposes to apply this exemption retroactively, which is also highly suspect.
- Addition of language indicating that projects do not have the “same shared goal or purpose where the projects can be independently implemented and one project is not a critical functioning element of the other projects.” This is unnecessary. Established law already recognizes that projects with “independent utility” need not be analyzed with other projects. The new proposed language adds nothing except for potential confusion.
- Deletion from the definition of “program” the example of “an entire plan having wide application or restricting the range of future alternative policies or actions, including new significant changes to existing land use plans, development plans, zoning regulations, or agency comprehensive resource management plans.” The language sought to be deleted is a valid situation in which HEPA review should be conducted, and excluding it is unwarranted.
- Addition of language that “development or funding of shared infrastructure does not create a presumption that the actions should be treated as a single action.” This is also unnecessary. “Shared infrastructure” is not a factor in determining whether a single project exists. The well-established standards preventing segmentation of a project do not include “shared infrastructure” as a factor.
- Limiting “contestable issues” to “those issues identified by the accepting authority as the basis for requiring a statement.” This is unclear and inappropriate. An accepting agency should not be allowed to preemptively

restrict the scope of the required review, which would negate the law's purpose of public input and accountability.

- Limiting contestable issues to those "identified and discussed in the written comments." This is unnecessary. The law already includes this requirement.

In sum, HB 1247 is a "solution in search of a problem" and an inappropriate attempt to use the affordable housing crisis as cover for a broadside attack against bedrock environmental laws. We understand that the Sierra Club has been working with affordable housing advocates on potential amendments to the HEPA regulations that would provide much more tailored exemptions specifically geared toward affordable housing. We suggest that attention and effort focus on this or any number of more productive avenues to respond to the affordable housing crisis, rather than gutting HEPA.

For these reasons, Earthjustice strongly opposes HB 1247 and respectfully requests that it be held. Mahalo nui for this opportunity to testify. Please do not hesitate to contact us with any further questions or for further information.

Isaac H. Moriwake, Esq.



Managing Attorney
Earthjustice, Mid-Pacific Office

Testimony In support of HB 1247

HOUSE OF REPRESENTATIVES THE THIRTY-SECOND LEGISLATURE REGULAR SESSION OF 2023 COMMITTEE ON HOUSING

Rep. Troy N. Hashimoto, Chair Rep. Micah P.K. Aiu, Vice Chair Rep. Darius K. Kila Rep. Richard H.K. Onishi Rep. Lisa Kitagawa Rep. Chris Todd Rep. Lisa Marten Rep. Lauren Matsumoto COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair Rep. Elle Cochran, Vice Char Rep. Cedric Asuega Gates Rep. Justin H. Woodson Rep. Kirstin Kahaloa Rep. Gene Ward Rep. Amy A. Perruso

NOTICE OF HEARING DATE: Friday, February 3, 2023 TIME: 10:35AM PLACE: VIA VIDEOCONFERENCE
Conference Room 325

Amazing video please watch environmental review for a HEPA

<https://www.youtube.com/watch?v=xt8sRh493UI>

HEPA is cumbersome and overbearing and this bill does not go far enough to address issue with HEPA laws. **All permits issued by a highly regulated government agency DLNR and Dar should be exempt from HEPA laws!**

Instead, Hawaii allows rich lawyers to shut down opposing businesses with **Endless Environmental Litigation** using defective HEPA (Hawaii Environmental Policy Act HRS 343 Ch 189) laws. Even if you pass the HEPA you face endless environmental litigation and will never get permits just look at TMT. The Superferry knew it could not pass HEPA and just pulled out. Hawaii business is at extreme risk due to the defective laws.

Legally the aquarium fishery when **West Hawaii Passed its HEPA review in 2022 it should have received permits right away.** Instead, the state chose to delay giving out the aquarium permits. Why? Maybe the fact that every permit DLNR issues should also have to do an environmental review and pressure received by eco groups to sue is why. Blackmail! Justice is not being served!

The environmentally friendly Superferry was effectively shut down by tour boat, airline, and inter-island cargo businesses. It was a lower carbon footprint way of traveling. The scientifically proven sustainable aquarium fishery was closed by tourist businesses spouting misinformation for private gain and with tourist

billionaire business (Michael Dell Four Seasons Kona) money paying off Earth Justice to perpetuate the continuing lawsuits.

Why is the aquarium fishery the only DLNR issued permit who must do a HEPA permit process? Legally all permits DLNR issues should have to do HEPA permit processes too, if they have any environmental impacts. Any lawsuit would force the issue very quickly. All DLNR permits are at risk to lawsuits.

The states only argument fighting for the aquarium fishery permits was legal definition. The state lawyers did not use any of the science of the fishery. Unscientific opposing profiting tourist user group misinformation was allowed into depositions without any scientific opposition. The **miscarriage of justice** continues for the overly regulated highly proven sustainable “Model Fishery” when it was closed due to “User Conflict”.

Conclusion Suggested Legislation Needed

Instead of penalizing highly sustainable fisheries and depending on highly destructive tourism; Hawaii needs to support and develop renewable resources. Fishery laws are being made with out proper studies and fish counts. Over regulation of renewable resource use is being done every year! Do fish counts on every Island. Manage stocks with science.

Fisheries are the solution not the problem!

Step back, review and promote sustainable agriculture, aquaculture, fisheries and look at Hawaii’s renewable resources with a new perspective. The fate of the planet lies in the use of renewable resources and their sustainable use! More legislation against highly renewable resources is the worst thing Hawaii can do.

<https://www.hawaii.edu/news/2020/09/10/can-aquaculture-repair-hawaii-economy/>

HB-1247

Submitted on: 2/1/2023 12:25:19 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Representatives,

Please do not pass HB1247. This measure is attempting to fly under the flag of affordable housing while dismantling important environmental safeguards for all housing development, regardless of the price point or market they will serve. It is also retroactive to 2019, which raises constitutional property rights issues for every person with a right to a clean and healthful environment as defined by laws such as those that this bill would retroactively amend.

Yours,

Bianca Isaki, resident

HB-1247

Submitted on: 2/1/2023 12:44:30 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Nako'o Warrington	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I OPPOSE HB 1247.

NO exemptions from our environmental review laws.

Protect our public lands.

Please HOLD HB 1247.

Mahalo.

HB-1247

Submitted on: 2/1/2023 4:54:46 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Anjani Thomas	Individual	Oppose	Written Testimony Only

Comments:

I absolutely oppose this bill which obviously caters to land developers--or else why the need to be retroactive to 2019? Shame on those trying to ram this bill through. It's completely unnecessary as the existing legislation reflects the VOTERS and CITIZEN's needs just fine as is.

HB-1247

Submitted on: 2/1/2023 4:57:07 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Samuel M Mitchell	Individual	Oppose	Written Testimony Only

Comments:

As a 25 year member of the Neighborhood Board I've seen how new ideas like this have been very disruptive to communities. The City of Honolulu use to require all building projects to go before the Neighborhood Boards so that people could iron out problems. How they allow low rent building with no parking, street access or trash pick up. Please keep Hawaii the Aloha State not the No-need one.

HB-1247

Submitted on: 2/1/2023 4:58:32 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
John C Wert III	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to exempting certain "qualifying housing projects" from HEPA. This would leave the door open for any contractor, builder, investor, etc to create substandard housing without HEPA restrictions. I am embarrassed that our politicians would submit any type of bill that would eliminate HEPA requirements.

HB-1247

Submitted on: 2/1/2023 5:01:29 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Elaine Wender	Individual	Oppose	Written Testimony Only

Comments:

HB 1247 would dismantle important environmental safeguards for housing developments. This bill would benefit only developers, not potential homeowners or the environment. This is not really about affordable housing. Please oppose.

HB-1247

Submitted on: 2/1/2023 5:12:46 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Pamela Elders	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB1247. This bill purports to be an environmentally-friendly, affordable housing proposal which it is NOT. In fact it is a free ticket for all development. The Governor has signaled that he is friendly to development and now we have proposals such as HB1247 testing the waters. Do not be fooled. Our Hawaii islands deserve better! Our people deserve better. No on this bill.

HB-1247

Submitted on: 2/1/2023 5:14:03 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Colehour Bondera	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Committee Members:

With all due respect please accept and consider my opposition to this piece of legislation.

Sincerely,

Colehour Bondera

Honaunau, HI

HB-1247

Submitted on: 2/1/2023 5:23:40 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon McHenry	Individual	Oppose	Written Testimony Only

Comments:

who are we helping take Hawaii with out the need to permit?? And

[HB1247](#) mentions affordable housing (kinda barely) but it applies to all housing. It's attempting to fly under the flag of affordable housing while dismantling important environmental safeguards for all housing development, regardless of the price point or market they will serve.

[HB1247](#) is retroactive to 2019 which begs the question - Who will benefit? What specific projects will benefit? What specific developers will benefit?

Inside baseball stuff: Clearly the forces of big development want to use affordable housing as a hammer and a wedge against the environmental community - who they will no doubt blame for being "against affordable housing" bla bla bla. **Be aware.**

HB-1247

Submitted on: 2/1/2023 5:29:28 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Alan Stockton	Individual	Oppose	Written Testimony Only

Comments:

I have read through the bill. It appears that there is no clear focus on affordable housing; rather, if I understand it correctly, it would allow exemption from serious environmental review for even the sort of luxury developments that currently dot the Kaka`ako area, many units of which are vacant much of the time, being vacation condos for wealthy mainlanders. This sort of construction does nothing to relieve our housing shortage. In order to be useful for the latter purpose, the bill should have clear restrictions on pricing of units for any weakening of the environmental review process.

HB-1247

Submitted on: 2/1/2023 5:37:07 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Bob Grossmann	Individual	Oppose	Written Testimony Only

Comments:

The exemption is too broad for nearly all housing development.

Alternatively, amend the environmental laws for reasonable assurance function and oversight.

Environmental assesent needs to be better undertaken with climate change impacts and aging/failing infrastructure.

HB-1247

Submitted on: 2/1/2023 5:39:59 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Harvey Arkin	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashimoto, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and members of the committees,

I OPPOSE HB1247, which aims to exempt certain housing developments from environmental review law. As a resident of these islands, I recognize the critical importance of housing for our current and future generations to keep Hawai'i a place they call home. However, the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result.

As such, exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed.

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Mahalo nui!

Sincerely,

HB-1247

Submitted on: 2/1/2023 5:42:01 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Van Horne	Individual	Oppose	Written Testimony Only

Comments:

The first sentence in the description, "Exempts affordable housing and certain qualifying housing development projects from HEPA" makes this bill completely unacceptable. It really is that simple. Construction affects the environment and therefore an impact statement and assessment are required. I am opposed to HB1247.

HB-1247

Submitted on: 2/1/2023 5:48:19 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Marsha Hee	Individual	Oppose	Written Testimony Only

Comments:

Comments:

HB1247 barely mentions and is not even tied to affordable housing. It exempts all housing developments. It is retroactive to 2019. Who will benefit? What specific projects and developers will benefit?

I am strongly opposed to this bill.

Respectfully submitted,

Marsha Hee

HB-1247

Submitted on: 2/1/2023 5:52:30 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Libby Leonard	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashimoto, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and members of the committees,

I OPPOSE HB1247, which aims to exempt certain housing developments from environmental review law.

I am a journalist and community advocate who has covered issues where development projects even with environmental assessments manage to find ways to skirt around protections, resulting in environmental damage and damage to the resting sites of iwi kupuna.

The housing crisis is a critical issue, however, it's not an excuse to strip away protections for these islands' precious natural and cultural resources that could be heavily impacted as a result.

Environmental reviews, and those done by trustworthy sources with proper consultation is necessary to avoid impacts.

Please vote against HB1247.

Mahalo,

Libby Leonard

HB-1247

Submitted on: 2/1/2023 5:57:40 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Bruce L Hultgren	Individual	Oppose	Written Testimony Only

Comments:

This is an insult! This is proposed as a bill about affordable housing but seems to be another way for the "big boys" to benefit. The citizens are not going to put up with this. Another attempt to evade the environmental restrictions which are so necessary in our small and environmentally vulnerable state.

Please defeat this sham. Many people support affordable housing and it is necessary. . Dont insult us by passing this gift to the builders and owners, it does nothing I can see to help affordable housing.

Bruce Hultgren

HB-1247

Submitted on: 2/1/2023 5:57:44 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Oppose	Written Testimony Only

Comments:

I oppose exempting certain housing development from environmental review.

HB-1247

Submitted on: 2/1/2023 5:58:58 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Georgia L Hoopes	Individual	Oppose	Written Testimony Only

Comments:

The description: "Exempts.....certain qualifying housing development projects from HEPA," is ambiguous and then..."redefine project?" Why would any project be given a pass to potentially harm the environment in the name of affordable housing and finally as stated make it harder for those opposing said project? If it's to prevent NIMBYism then say so. The wording of the bill raises red flags.

HB-1247

Submitted on: 2/1/2023 6:00:10 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Puppione	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashimoto, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and members of the committees,

I OPPOSE HB1247, which aims to exempt certain housing developments from environmental review law. As a resident of these islands, I recognize the critical importance of housing for our current and future generations to keep Hawai'i a place they call home. However, the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result.

As such, exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed.

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Mahalo nui!

Sincerely,
Greg Puppione

HB-1247

Submitted on: 2/1/2023 6:00:34 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruth Coules	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition to HB1247. Affordable housing is a critical issue that must be addressed but this bill is not the way. The environmental safeguards that would be removed are too great. The lack of affordable housing isn't due to too many environmental regulations. Even more concerning is the lack of specificity about what exactly constitutes an affordable housing development. I fear this bill would primarily be used by unaffordable housing, at last finding loopholes that will allow them to move forward.

HB-1247

Submitted on: 2/1/2023 6:05:12 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Randy Gonce	Individual	Oppose	Written Testimony Only

Comments:

Aloha Members,

I am testifying in opposition to this bill. This bill is poorly written and would subvert environmental laws that have been put in place to protect Hawaii. Affordable housing is absolutley needed in our state but this bill, as currently written, does not give enough detail to require these exempted projects to have affordable housing.

Mahalo for the time to testify.

HB-1247

Submitted on: 2/1/2023 6:05:43 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Deborah Umiamaka	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to HB1247.

Sincerely,

Deborah Umiamaka

HB-1247

Submitted on: 2/1/2023 6:10:03 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Oppose	Written Testimony Only

Comments:

If this bill were strictly limited to actual low-income housing, which we do desperately need, it might be different, but it seems to be just a cover to enable various developments to bypass necessary environmental review. Please, no to this.

HB-1247

Submitted on: 2/1/2023 6:14:02 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Cheryl Reeser	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashimoto, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and members of the committees,

I OPPOSE HB1247, which aims to exempt certain housing developments from environmental review law. We need to find a way to provide housing without stripping away environmental protections that can never be reversed.

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources.

Mahalo nui,

Cheryl Reeser

HB-1247

Submitted on: 2/1/2023 6:21:49 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB1247, which aims to exempt certain housing developments from environmental review law. As a resident of these islands, I recognize the critical importance of housing for our current and future generations to keep Hawai'i a place they call home. However, the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result.

As such, exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed.

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Mahalo nui!

HB-1247

Submitted on: 2/1/2023 6:40:27 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashimoto, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and members of the committees,

I OPPOSE HB1247, which will ultimately exempt certain housing developments from environmental review law. As a resident of the Big Island I recognize the critical importance of housing for our current and future generations to keep Hawai'i a place they call home. However, the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result. Residents are particularly sensitive to developments in rural areas like Ka'u and South Kona. We value our sense of place, cultural heritage and environmental protection of native forests and view planes. Pohue Bay is one example . We fought development and commented on the EIS. After the EIS the developers did not move forward.

As such, exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed.

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Mahalo nui!

99-7815 Kapoha Place, Volcano Ka'u Moku, Keauhou

HB-1247

Submitted on: 2/1/2023 6:47:27 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jim Klyman	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill, as it does not significantly deal with affordable housing, but skirting EPA requirements. Looks more like a builder's dream request for less regulation rather than putting in the required effort to do a job per regulation.

HB-1247

Submitted on: 2/1/2023 7:02:36 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
TOM DIGRAZIA	Individual	Oppose	Written Testimony Only

Comments:

[HB1247](#) mentions affordable housing (kinda barely) but it applies to all housing. It's attempting to fly under the flag of affordable housing while dismantling important environmental safeguards for all housing development, regardless of the price point or market they will serve.

HB-1247

Submitted on: 2/1/2023 7:08:27 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Charlene K. Rowley	Individual	Oppose	Written Testimony Only

Comments:

I do not support this Bill. It is not inclusive or moving us towards affordable housing for long term Hawai'i residence

HB-1247

Submitted on: 2/1/2023 7:13:21 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Seth Kamemoto	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to this measure that would essentially reduce the public's input regarding possible environmental impacts for proposed projects.

There are already alarming themes in existing 201H proposals, such as Kuilei Place, where they were able to exempt themselves from an EA (even with the so-called "stricter" law in force since 2019). The dangerous phrasing is "consistent" when applied to how a proposal relates to existing planning and zoning designations. In the Kuilei example, they were able to exempt themselves from an EA claiming that they were "consistent," even though when you add up all the 201H-38 exemptions, the proposed project was essentially an AMX-3 type project in an existing A-2 zone.

This proposed measure is even more dangerous in that it opens this loophole up to more types of developments (not purely affordable-housing only) and makes it easier to segment a development proposal in such a way that these exemptions might trigger more easily.

For me, the biggest problem is a reduction of opportunity for public input. Maybe instead of a full exemption to HRS343, the proposed project needs some type of public hearing or the exemption request itself needs to go through a public review period. This way, the public can at least weigh-in on how much segmentation they believe might be occurring or bring up a so-called "tangential" project that might have a severely significant environmental impact.

Thank you for your consideration,

Seth Kamemoto

HB-1247

Submitted on: 2/1/2023 7:18:24 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Craig Tanaka	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashimoto, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and members of the committees,

I OPPOSE HB1247, which aims to exempt certain housing developments from environmental review law. As a resident of these islands, I recognize the critical importance of housing for our current and future generations to keep Hawai‘i a place they call home. However, the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result.

As such, exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed.

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Mahalo nui!

HB-1247

Submitted on: 2/1/2023 7:19:48 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Keith Neal	Individual	Oppose	Written Testimony Only

Comments:

Strongly Oppose!

Wrong direction!

Affordable, Healthful, efficient housing is easy and cost less in the long run when there are high standards. Structures thoughtfully constructed to high standards will give good service for decades.

HB-1247

Submitted on: 2/1/2023 7:23:30 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Melissa Barker	Individual	Oppose	Written Testimony Only

Comments:

Honorable Members,

I respectfully and strongly urge you to oppose HB1247. Please do not let this piece of legislation pass.

Thank you,

Melissa Barker

Kapaa, HI

HB-1247

Submitted on: 2/1/2023 7:25:54 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Perry J. White	Individual	Oppose	Written Testimony Only

Comments:

There is absolutely no need to exempt affordable housing and certain qualifying housing development projects from HEPA or to preempt the existing definitions under section 11-200.1-2, Hawai'i Administrative Rules, and narrow the existing interpretation that requires analysis of tangentially related projects. Neither is there a need to clarify issues related to segmentation. Moreover, the idea that this should apply retroactively is reflective of the extent to which special interest groups will go to avoid complying with the rules. The existing rules allow for reasonably fast processing for projects that have benign effects, and housing does not and should not trump everything else. .

Please, please, end consideration of this bill.

Mahalo

HB-1247

Submitted on: 2/1/2023 7:34:39 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

This is barely (maybe) an affordable housing bill. This is written by developers in order to disregard all rules for development. Not the way to move forward in this day and age. Our environment is fragile. It must be protected.

I strongly oppose HB 1247,

Mahalo,

HB-1247

Submitted on: 2/1/2023 7:37:09 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jolyn Okimoto	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashimoto, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and members of the committees,

I OPPOSE HB1247, which aims to exempt certain housing developments from environmental review law. I recognize the critical need for housing. However, the housing crisis cannot be used as a reason to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result.

The beautiful Ka Iwi coastline was protected after 40 years as the result of the cooperative efforts of many. The announcement was made in April 2017 by the City and County of Honolulu, State of Hawai'i, Ka Iwi Coalition, Livable Hawai'i Kai Hui and The Trust for Public Land. Ka Iwi had many defenders, and our lives are enriched because the area was successfully protected.

All proposed projects should be subject to thorough and informed environmental review because the proposal may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed. We must protect our island environment.

Expanding the requirement that project opponents must exhaust their administrative remedies as a prerequisite to litigation to apply to environmental assessments and environmental impact statements is unfair and unnecessary.

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Thank you for your time and service.

Jolyn Okimoto
Honolulu

HB-1247

Submitted on: 2/1/2023 7:48:57 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Judith White	Individual	Oppose	Written Testimony Only

Comments:

Please do not undermine/ undo important environmental protections for all housing!

HB-1247

Submitted on: 2/1/2023 7:54:57 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Oppose	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I'm writing in STRONG OPPOSITION of HB1247.

It's barely touching on affordable housing and undermines important environmental safeguards for all housing development, regardless of the price point or market it will serve.

Who will this benefit ? What specific projects will this benefit? What specific developers will this benefit?

We need to support affordable housing initiatives that truly support the people of Hawai'i and it needs to be reflective of that and our needs.

Oppose HB1247 and do not pass it.

me ke aloha 'āina,

Nanea Lo, Mō'ili'ili

HB-1247

Submitted on: 2/1/2023 8:11:47 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonathan Cender	Individual	Oppose	Written Testimony Only

Comments:

HB1247 sounds like a bad bill. Vague. Overbroad. What does "certain qualifying housing development projects" mean? Sounds like a loophole that a project could drift through sideways and seriously damage the environment.

HB-1247

Submitted on: 2/1/2023 8:12:09 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Danelle Guion	Individual	Oppose	Written Testimony Only

Comments:

Please oppose the passing of HB1247. It stealthily dismantles important environmental safeguards for all housing development, regardless of the price point or market they will serve.

Let's keep the aina in mind. Thank yo.

HB-1247

Submitted on: 2/1/2023 8:21:02 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Peggy Brandt	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1247 because it appears to be benefiting big developers and not supporting environmental safeguards or affordable housing.

HB-1247

Submitted on: 2/1/2023 8:28:11 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Bernard Nunies	Individual	Oppose	Written Testimony Only

Comments:

STRONGLY OPPOSE HB1247 because it:

- **Eliminates all triggers**, thus eliminating any requirement to conduct an EA or EIS.
- **Eliminates public participation.** Presently, when an EA or EIS is done, the public is notified and has 45 days to review and comment on potential impacts of the proposed projects on the environment.
- **Without an EA or EIS**, the public has no way of knowing if the project will harm the environment, block a shoreline, impact a stream, or if there is adequate infrastructure.
- **Without an EA or EIS**, the public will not know if endangered species are on the property or if an archaeological survey was conducted to ensure that `iwi and historical/cultural sites will not be disturbed or desecrated.

This bill removes all transparency and public participation and should not be allowed to move forward.

HB-1247

Submitted on: 2/1/2023 8:28:03 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Matt	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashimoto, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and members of the committees,

*I OPPOSE HB1247, which aims to exempt certain housing developments from environmental review law. As a resident of these islands, I recognize the critical importance of housing for our current and future generations to keep Hawai'i a place they call home. **However, the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result. The impact is evident not only on land but in the air and sea.***

(Include personal story or connection to a particular place you love).

As such, exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed. This is not worth the sacrifice. Let's do this correctly!

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Mahalo nui!

Sincerely,

HB-1247

Submitted on: 2/1/2023 8:31:36 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Dave Kisor	Individual	Oppose	Written Testimony Only

Comments:

HB1247 is supposed to be about affordable housing, but no one has been able to find anything dealing with affordable housing in the bill. Kinda makes you wonder. Don't let this one go anywhere except the trash bin. Mahalo

HB-1247

Submitted on: 2/1/2023 8:42:08 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Leslee Dancosse	Individual	Oppose	Written Testimony Only

Comments:

This bill attempting to fly under the flag of affordable housing while dismantling important environmental safeguards for all housing development.

Thank you for apposing HB 1247

HB-1247

Submitted on: 2/1/2023 8:48:56 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
David Dinner	Individual	Oppose	Written Testimony Only

Comments:

This bill is a deceptive attempt to open the development floodgates to all developers. How dumb can we be? Affordable housing yes, but open season on development, Hell, no.

HB-1247

Submitted on: 2/1/2023 8:59:22 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Brett Kurashige	Individual	Oppose	Written Testimony Only

Comments:

HB1247 would exempt affordable housing and certain qualifying housing development projects from the Hawai'i Environmental Protection Act (HEPA). As my attached op-ed points out, exemptions such these create potential for abuse, and would create a perverse incentive to develop in environmentally sensitive areas. We need guardrails such as HEPA to protect the well being of our neighborhoods/communities and our aina from rampant ill-advised development. Thank you for the opportunity to submit testimony in opposition to this bill.

HB-1247

Submitted on: 2/1/2023 9:10:58 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
John Fitzpatrick	Individual	Oppose	Written Testimony Only

Comments:

Aloha Honorable Representatives,

My name is John Fitzpatrick "Fitz" and I oppose HB 1247 because I disagree with the statement "The solution to a housing shortage is to build more housing generally, but current environmental review laws make it inordinately burdensome to obtain approvals for new development."

I do however support measures to make it easier to build affordable housing developments. But if we think the solution is to just build more million dollar housing development projects which is my definition of "more general housing." The way this bill is crafted is no solution at all. Go to your teachers, fire fighters, nurses, waitresses and ask if they can afford million dollar houses. The answer is no!

I know you are trying to increase supply by allowing developers to develop anywhere without proper EIS's but that is not a solution and it will end up hurting us in the long run when their are major natural disasters and the proper steps to building solid housing for people of Hawaii are not taken.

For these reasons I can not support HB 1247.

Mahalo,
Fitz

HB-1247

Submitted on: 2/1/2023 9:21:28 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Tammy Davis	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I don't want to see housing development projects get to skirt any environmental laws or processes to determine their impact. Even as a citizen who needs affordable housing, I do not support this bill. We must hold developers accountable for respecting environmental laws, regardless. Please do not support this bill.

Sincerely,

Tammy Davis

147 Royal Drive, Kapaa

HB-1247

Submitted on: 2/1/2023 9:38:43 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
David Pullman	Individual	Oppose	Written Testimony Only

Comments:

My understanding is this bill reduces environmental regulations on ALL housing developments. That is VERY bad policy. I would support carefully tailored easing of regulations for AFFORDABLE housing only. Loosening environmental regulations on market rate housing is just a giveaway to big money interests and basically a sign that our legislature does the bidding of big money politicalo contributors and sells out the voters, the citizenry, and the state. Kill this bill!

HB-1247

Submitted on: 2/1/2023 9:48:36 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Janis Turner	Individual	Oppose	Written Testimony Only

Comments:

This bill is not strictly for affordable housing, and seems to be still another gift to developers. Therefore, I oppose it and urge you to vote against its passage.

HB-1247

Submitted on: 2/1/2023 10:24:58 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary True	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. I find it very suspicious and am wondering who it was written to benefit. As far as I can tell it's not really about affordable housing. I value the environment and quality of life over the dollar and this has the smell of environmental abuse to maximize profits written all over it.

Mahalo, Mary True, Pepekeo

HB-1247

Submitted on: 2/1/2023 10:30:16 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawn Morais Webster Ph.D.	Individual	Oppose	Written Testimony Only

Comments:

This is a very bad bill. It needs to be shut down immediately. Who exactly does this bill serve? Who profits from it? Are we officially giving up on environmental protection? That's what this bill sounds like.

HB 1247

- Eliminates all triggers, thus eliminating any requirement to conduct an EA or EIS.
- Eliminates public participation. Presently, when an EA or EIS is done, the public is notified and has 45 days to review and comment on potential impacts of the proposed projects on the environment.
- An EA or EIS is required when an action may affect the environment.
- Without an EA or EIS, the public has no way of knowing if the project will harm the environment, block a shoreline, impact a stream, or if there is adequate infrastructure.
- Without an EA or EIS, the public will not know if endangered species are on the property or if an archaeological survey was conducted to ensure that `iwi and historical/cultural sites will not be disturbed or desecrated.

PLEASE STOP THIS BILL NOW!! Public confidence in our elected officials is shaky enough as it is. This will only erode it further.

Thank you.

HB-1247

Submitted on: 2/2/2023 12:33:58 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Oppose	Written Testimony Only

Comments:

The state needs to strike a balance between the need for housing and the need to preserve our environment and natural resources. Both are vital to a healthy future. The key to building enough housing isn't "cutting red tape." The key to building enough housing is consistent, robust investments of public money raised through tax revenue. The equitable way to fund this revenue stream is through improved taxes on extreme wealth, such as closing the capital gains and estate tax loopholes. We can build enough homes quickly by providing government-backed loans to developers without the need to skirt environmental protections. So please defer this measure, and focus instead on passing tax fairness policies that can fund our future.

Chair(s) Troy Hashimoto & Nicole Lowen
Vice Chair(s) Micah Aiu & Elle Cochran

House Committee on Housing
House Committee on Energy & Environmental Protection

Friday, February 3, 2023
10:35 AM

**TESTIMONY IN OPPOSITION TO HB1247 RELATING TO DEVELOPMENT
PROJECTS**

Aloha Chair(s) Troy Hashimoto & Nicole Lowen, Vice Chair(s) Micah Aiu & Elle Cochran, Members of the House Committee on Housing & House Committee on Energy & Environmental Protection,

My name is Jun Shin. I am a recent graduate of the University of Hawai'i at Mānoa and a member of the Hawai'i State Youth Commission, testifying today as an individual in **OPPOSITION** to **HB1247**, Relating to Development Projects.

As a resident of these islands and someone from a working class background, I recognize the critical importance of housing for our current and future generations to keep Hawai'i a place they call home. However, the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result. The public and its representatives are able to participate in decision-making through our environmental review laws, rights which would also be lost if the legislature cuts through our guard rails even further.

Exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed. What development projects were in mind when this bill was drafted? Will it impact the people and the area in a way that would be less than convenient to reveal through deliberation? These are questions that the environmental review process allows us to consider. Climate destabilization, over development, diversions, and pollution are putting our public resources under strain, and will require extra care and diligence by policymakers, the development interests involved, and the general public, in order to actually have a livable future for all of us and future generations to come.

Please **defer House Bill 1247**.

Mahalo for the opportunity to testify,

Jun Shin,
State House District 23 | State Senate District 12
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com

HB-1247

Submitted on: 2/2/2023 6:42:58 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Noel Shaw	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I'm a Native Hawaiian mother of 3 and I oppose HB1247. The bill opens the floodgates to further development without review and thus degradation our environment and more extraction of our natural resources.

As you all are aware, Hawai'i is a set of islands in the middle of the ocean. Our reosources are finite and have been miss used very much so over the years. We haven't taken the time to plan and create in alignment with the natural ways our waters flow and our lands shift. Waikiki and Kaka'ako are good examples of massive developments that shifted how our island home works. Now we face major environmental crisisies with the US Navy poinsioning our water resources and climate change.

Building our way out of the houselessness crisis is not in alignment with Hawai'i. We should focus on things like rent control, enhanced regulations on vacation rentals, tenant rights-preventing unreasonable rent increases and requiring more notice, prohibit housing discrimination against section 8 recipients, and really using what vacant space we already have! For example on Pensacola, there's an under high way space where already houseless gather and try to live. Accommodations should be made for temporary housing units maybe made out old shipping containers and showers added.

I hope we're able to see that when we do projects that go unchecked environmentally, we harm our collective ability to all live in Hawai'i well.

For these reasons and more, please oppose HB 1247.

mahalo,

noel

HB-1247

Submitted on: 2/2/2023 7:40:51 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Cassandra Chee	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Lowen, Chair Hashimoto, Vice Chair Cochran, Vice Chair Aiu, and members of the Committees,

I **OPPOSE** HB 1247, which aims to exempt certain housing developments from environmental review law. As a resident of these islands, I recognize the critical importance of housing for our current and future generations to keep Hawai'i a place they call home. However, the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result.

As such, exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed.

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Mahalo nui!

Cassandra Chee

HB-1247

Submitted on: 2/2/2023 8:04:09 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Thomas Benedict	Individual	Oppose	Written Testimony Only

Comments:

Dear Representatives:

One of the most unfortunate psychological traits of humans is the difficulty we have keeping the long-term in mind while dealing with short-term crises. Assuming that this bill -- which would exempt affordable housing projects from the requirements enacted through HEPA to protect our environment, and make it harder for citizens to challenge the project -- was intended to help expedite the construction of affordable housing and not some other reason, it is a perfect example of that human trait.

This body has recognized two crises for the state: affordable housing and climate change. As an island state, we are particularly vulnerable to the effects of climate change. Just this past week published reports documented how our islands have "browned" significantly in the past 40 years. With less and less vegetation, which helps the water cycle in multiple ways, our precious groundwater supply will be at ever-increasing risk. It's a problem that is happening now, but the acute phase is probably decades away. And therein lies the problem: climate change is not an immediate, short-term crisis -- like affordable housing and homelessness -- that our minds always focus on.

While reducing what some call "Red Tape" may seem helpful for those short-term crises, it puts our future at risk. HEPA and its related laws and regulations force us to consider and confront the future in order to balance competing interests. In a fragile island environment like ours, with its intense interconnected systems, it is extremely unwise to enact legislation that literally removes the "balancing" of our current versus future needs.

I am opposed to HB1247 and its companion bill in the Senate. I urge you to remember our other crisis -- climate change -- and reject this bill completely.

Thank you for considering my viewpoint.

Thom Benedict

HB-1247

Submitted on: 2/2/2023 8:33:00 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Larry Alfrey	Individual	Oppose	Written Testimony Only

Comments:

I'm reading this bill front to back right now, and it's not even tied to affordable housing. It exempts all housing developments." says Isaac Moriwaki, Managing Attorney Earthjustice.

HB1247 mentions affordable housing (kinda barely) but it applies to all housing. It's attempting to fly under the flag of affordable housing while dismantling important environmental safeguards for all housing development, regardless of the price point or market they will serve. HB1247 is retroactive to 2019 which begs the question - Who will benefit? What specific projects will benefit? What specific developers will benefit?

Clearly, the forces of big development want to use affordable housing as a hammer and a wedge against the environmental community - who they will no doubt blame for being "against affordable housing"

Be aware. Don't do this.

HB-1247

Submitted on: 2/2/2023 8:38:21 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrick Switzer	Individual	Oppose	Written Testimony Only

Comments:

I am opposing this bill because while it claims to be addressing affordable housing, the language of the bill actually supports developers in general at the cost of environmental protections. The retroactive nature of the bill in particular makes the reader wonder whose project specifically this bill is written for.

Sincerely, Patrick Switzer, Kaimuki

HB-1247

Submitted on: 2/2/2023 8:44:31 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelly Berganio	Individual	Oppose	Written Testimony Only

Comments:

I absolutely oppose HB1247. You cannot waive input from the community and override critical information provided by all stakeholders. I absolutely disagree that you should exempt affordable housing and certain qualifying housing development projects from HEPA.

Thank you,

Kelly Berganio

HB-1247

Submitted on: 2/2/2023 8:54:30 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Nathan Leo Braulick	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashimoto, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and members of the committees,

I OPPOSE HB1247, which aims to exempt certain housing developments from environmental review law. As a resident of these islands, I recognize the critical importance of housing for our current and future generations. However, **the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result.**

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Mahalo nui!

Sincerely,
Nathan Leo Braulick

HB-1247

Submitted on: 2/2/2023 8:54:04 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacqueline Wah	Individual	Oppose	Written Testimony Only

Comments:

I am vehemently opposed to HB 1247.

I understand there is a dire need for more affordable housing but it **should not** be done with such complete disregard for environmental concerns while making it more difficult for communities to have their voices heard. These safeguards are in place for a reason -- it ensures when developments are built that they will not negatively impact the surrounding areas.

Should we completely disregard how a development could affect serious flooding issues that make arise, traffic, noise, etc.? These are not just issues of safety, they are issues that make a community livable and sustainable, and affect the quality of life for residents around these developments.

We should not be building just for building sake. Once built, it cannot be undone so careful consideration should be a perquisite before any projects proceed.

Please vote NO on HB 1247.

Thank you.

HB-1247

Submitted on: 2/2/2023 9:06:49 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Denise E Antolini	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and Members of HSG/EEP,

I strongly oppose HB1247.

I have worked on HEPA (HRS Chapter 343) issues, cases, research, and scholarship for over 30 years, as a public interest litigator and professor of law.

Unfortunately, HB1247, while messaged as a bill to deliver "affordable" housing to Hawai'i residents -- a laudable goal -- contains a litany of mis-statements and misrepresentations about the letter, judicial interpretation, and effect of HRS 343 and the then-OEQC administrative rules adopted in 2019.

Adopting such a massive loophole to our State's fundamental environmental review law would be a big mistake. The spillover consequences of massive housing projects that evade environmental review will be felt not only in the immediate neighborhoods but across our island communities. Once built, there is no re-thinking. Only regrets or forgotten promises.

Before even considering this bill, I would urge the Committees to think hard and get the facts -- **require an LRB review or audit** of the past 15-20 years of "affordable" housing projects that have been approved or built, particularly under any "fast track" provisions promoted by the advocates behind this measure. *How did they turn out v. the promises made?*

Most importantly: are the *occupants* (not the owners, but the *occupants*) of these "affordable" housing projects actually the local workforce and low-income residents whom the Legislature and counties have intended to support and house "affordably"? Transparent facts need to come to you and the public first.

What is the real purpose of this extraordinarily broad sweeping bill? I would urge the Committees, in the spirit of HEPA, "look before you leap."

Mahalo,

Denise Antolini

Pūpūkea resident, Professor of Law

HB-1247

Submitted on: 2/2/2023 9:49:29 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
John Witeck	Individual	Oppose	Written Testimony Only

Comments:

Please kill this bill. It does little or nothing to provide affordable housing while aiding developers to get projects approved. Please consider and pass a authentic bill for affordable housing and not engage in this chicanery.

Aloha, John Witeck

HB-1247

Submitted on: 2/2/2023 10:05:14 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Liz Scheimer	Individual	Support	Written Testimony Only

Comments:

I support this bill, the crucial piece to solve our housing problem is to BUILD HOUSING. I see other commenters saying that we should be doing other things instead to solve the housing crisis, like developing our water sources and doing better enforcement on vacation rentals, that that WON'T solve the housing shortage. Building housing is necessary. We need to make it easier. Our infrastructure processes in America are broken, slow things down and make them prohibitively expensive. HEPA environmental review doesn't actually accomplish the things that a lot of people seem to imagine it does-- the government does not have an obligation to choose the least impactful alternatives, and the public involvement process doesn't actually give the public any real role in providing informed consent. It just costs a lot of money and slows things down. Yes, building housing will have environmental impacts. Everything does. Is it necessary and worth it? ALSO YES. Suspending HEPA environmental review will NOT suspend the requirement to comply with other relevant environmental laws minimizing and mitigating environmental impacts! I wish the Governor's emergency decree on homelessness hadn't been downgraded to just be about kauhale building, kauhale isn't enough. I wish we could get rid of zoning rules that exacerbate inequality. I wish we could do so many things, build better communities and stop bogging ourselves down in NIMBY paperwork exercises. We need to build a LOT of housing. The lack of available housing stock is a justice issue.

HB-1247

Submitted on: 2/2/2023 10:11:04 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Dave Watase	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Committee members, I am writing in OPPOSITION to HB1247 which exempts affordable housing from HEPA and expands the requirements for project opponents to litigate on an EA and EIS and provides retroactive coverage. Hawaii is Paradise and unfortunately there will always be a huge demand for affordable housing no matter how much we build because the more affordable the housing the more people from around the world will migrate to our islands. I get it, I have 3 adult children who would benefit from more affordable home prices. I am 63 years old, 4th generation, and I have lived and struggles with our high cost of living including homeownership my whole life, I can remember a time when I could see the surf on Waikiki Beach. I witnessed Waikiki being built, Kakaako being built, and more and more concrete condo up to 400 feet tall wall of our skyline and block our sunsets. Our parks, our beaches, and our roadways are wearing out from overuse. Too many people and with Transit Oriented Development we are already positioned to easily double our population which will require new industries or a doubling of our hotel industry which brings in 10 million visitors a year. We have limited water resources and more so with Red Hill. The power developers are using the TOD and Affordable Housing measures as their ticket to build anywhere they want and the end result is a token toward our affordable housing needs. The developers want you to believe that it is our zoning, land use, and environmental laws that make it impossible for them to build affordable housing. When in fact, that is false because it still comes down to supply and demand. If the luxury market didn't exist they would all be building 100 percent affordable homes for the locals. However, everyone wants to live in Paradise, there are so many rich around the world who want to live in Hawaii and we are forced to compete with them. Affordable housing should not trump our precious land and resources. Please oppose HB1247. Mahalo, Dave Watase

Aloha,

My name is Willow Chang and I write to you as a local girl, concerned citizen, Keiki o ka Aina and a member of Stop Mānoa Banyan Court.

For the record, I strongly do NOT support HB 1247.

There will be other letters submitted with great insights and expertise. So I will simply state that the scope of this bill would be deeply devastating to the state of Hawai'i for several reasons.

This bill would effectively silence the voices of the people of Hawai'i- people who make this island their home, people who have made it their home for generations, or who have chosen to stay. It silences the people who likely know their neighborhood, neighbors and the intimate details of these spaces, as well. This bill would be one massive step towards silencing the constituents. This bill would further the already intense apathy others already feel about government, feeding into a nihilistic 'who cares' mindset. The optics of this bill also are poor: it plays right into the hands of developers who do NOT want public input- only a green light and a rubber stamp for ANY project: be it oversized, overpriced, incongruent with the spaces, communities or environments built on.

There's a reason and purpose that dialogues for future projects have a history and are part of the protocol. Not only is this a safe guard to over development and projects that pose problems, on an island, our reality is that we have FINITE resources. This is not a matter of opinion, but is a fact. EVERY project needs to be vetted- investigated by means of environmental, cultural and historical impacts, and matters concerning traffic flow, water issues like the aquifer/water table/flooding, as well as if the projects proposed will actually serve the common person, not spec buyers whose activities further exacerbate our housing crisis.

Again, I strongly urge you to listen to the people of Hawai'i- who have a vested, involved and committed purpose to ensuring these islands are cared for- and their voices are heard. Please, be Pono.

Sincerely,

Willow Chang

HB-1247

Submitted on: 2/2/2023 10:20:09 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Janyce Mitchell	Individual	Oppose	Written Testimony Only

Comments:

While affordable housing is important, so is the environment. HEPA places reasonable restrictions to protect Hawaii for us and for future generations. Please, do not exempt any projects from HEPA or other environmental regulations. The exemptions in place for 201H for affordable housing are more than sufficient. Please, protect Hawaii for our children, and their children. Please vote NO on this bill.

HB-1247

Submitted on: 2/2/2023 10:24:07 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Avi Okin	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1247. I find it is not in the best interest of Hawa'i to provide affordable housing while opening the door for more outrageous and expensive developments.

LATE

HB-1247

Submitted on: 2/2/2023 10:36:06 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
David Shizuma	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition of HB1247.

While I understand that we are facing a housing crisis in Hawaii, building more houses is the solution to this problem, as mentioned in section 1 of the bill. More importantly, environmental review laws are there for a reason, to protect the environment and sometimes the community from irreparable damage, and bypassing them, while it may temporarily allow for more housing, is not the best way to go, as it allows for damage to our environment, our communities, and the host culture here in Hawaii.

Please do not pass HB1247, we need to protect our environment for our future more than we need to build homes faster. We need to find other solutions to our housing crisis.

LATE

HB-1247

Submitted on: 2/2/2023 10:47:04 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Oppose	Written Testimony Only

Comments:

There s/b zero exemptions! All projects should be treated the same and done efficiently.

LATE

HB-1247

Submitted on: 2/2/2023 11:04:19 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kurt Takara	Individual	Oppose	Written Testimony Only

Comments:

Please reject this measure, since this will exempt "affordable" housing projects and certain qualifying housing development projects from public environmental protection/review contained in the Hawaii Environmental Policy Act (HEPA).

LATE

HB-1247

Submitted on: 2/2/2023 11:04:48 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Wayne Takamine	Individual	Oppose	Written Testimony Only

Comments:

Oppose, will allow too many controversial developmental variances that are strongly opposed by the general public...

LATE

HB-1247

Submitted on: 2/2/2023 11:59:41 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary Lu Kelley	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

This morning I read that Earth Justice Attorney Issac Moriwaki and Kauai advisor Gary Hooser, after reading HB1247, have reported that HB1247 is "**not even tied to affordable housing. It exempts all housing developments.**"

[HB1247](#) barely mentions affordable housing but it applies to all housing. It's attempting to fly under the flag of affordable housing while dismantling important environmental safeguards for all housing development, regardless of the price point or market they will serve.

Also, [HB1247](#) is retroactive to 2019 which makes me wonder - Who will benefit? What specific projects will benefit? What specific developers will benefit?

AS a social worker of 50 years, 35 years in Hawaii, please oppose this bill and don't let it get passed.

Thank you.

HB-1247

Submitted on: 2/2/2023 12:00:24 PM

Testimony for HSG on 2/3/2023 10:35:00 AM



Submitted By	Organization	Testifier Position	Testify
Laurie Baron	Individual	Oppose	Written Testimony Only

Comments:

Subject: Fwd: HB1247

Aloha Chair, Vice Chair and members,

I am writing to urge you to please vote against Bill HB1247. It is a cynical and outrageous wholesale taking our long established rights to a healthy livable and sustainable environment from our people using the pretense of centering a vitally important issue, affordable housing, as a stalking horse to clear the path for any and all housing developments, not only developments focused on affordable housing, from the safeguards that we have relied on to prevent big mistakes and protect our communities from the unbridled impact of capitalism unchecked. It goes in the exactly wrong direction for the times. Where will the water come from? Where will the rubbish go? What about the effects of Red Hill fuel contamination to our wai? Irresponsible abuse of power!

When Governor Green promised he would remove all kinds of systems that are slowing development down, I wondered how in the world he would do that, never imagining you folks would propose napalming our protections like this. Hewa. This is a terrible wrong at unimaginable scale. Don't do it!

Were this just addressing houselessness, it may be understandable but this includes fancy expensive developments.

These environmental safeguards are not extraneous wastes of time and money. They are needed to protect our 'aina and our society. Making this retroactive to 2019 is an obscene abuse of power. The obvious question is, who is this bill designed to rescue from the consequences of having disregarded existing regulations for the past four years?

The House leadership should be ashamed to bring this bill to the floor. It lifts the veil of respectability of the office and exposes the link between our corrupt campaign finance system

and the machinations of the government that we pay to represent us, we the people, not the corporations nor the lobbyists!

It will be very telling who supports this pilau bill.

Sincerely,

Laurie Baron

Kāne‘ohe

LATE

HB-1247

Submitted on: 2/2/2023 12:07:22 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Carl Ackerman	Individual	Oppose	Written Testimony Only

Comments:

Should any bill restrict an environmental impact statement. Quite frankly, this seems foolish.

Thank you---Carl Ackerman

HB-1247

Submitted on: 2/2/2023 12:09:52 PM

Testimony for HSG on 2/3/2023 10:35:00 AM



Submitted By	Organization	Testifier Position	Testify
Cristina Bacchilega	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs and Members of the Committee,

i oppose this bill because it aims to exempt some housing developments from environmental review law. Of course, housing is a priority here in Hawai'i where so many do not enjoy this basic necessity but NOT at the detriment of the protection of natural and cultural resources that make Hawai'i what it is.

Please vote AGAINST HB1247! thank you,

Cristina Bacchilega

LATE

HB-1247

Submitted on: 2/2/2023 1:06:24 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
autumn ness	Individual	Oppose	Written Testimony Only

Comments:

Strong opposition.

Focus on affordable housing should be on streamlining permitting, zoning and approval processes, not dismantling the important cultural and environmental protections that in place for a myriad of reasons.

HB-1247

Submitted on: 2/2/2023 1:54:51 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Arlene Lani Larrua	Individual	Oppose	Written Testimony Only

Comments:

Residents of ~~all income levels~~ are increasingly unable to buy homes due to a lack of adequate supply, which also contributes to elevated housing prices.

Should read: Residents of who are of **moderate to low income levels** are unable to buy homes due to a lack of adequate supply.

(a) ~~New construction housing development~~ projects shall be exempt from the requirements of this chapter if:

Should read: New construction for affordable housing development shall be exempt....

Upper echalant of people have no problem purchasing or building new homes. The full-time residents who are trying to purchase a home cannot build or buy a home in the current market. This crisis is for those people. This bill should reflect that. Not just give carte-blanche to every project.

Sincerely,

A. Lani Larrua

HB-1247

Submitted on: 2/2/2023 2:30:56 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Mele Stokesberry	Individual	Oppose	Written Testimony Only

Comments:

This bill would give carte blanche to developers of any kind of housing, not just "affordable."

It dismantles important environmental safeguards for all housing development, regardless of the price point or market they will serve. And retroactive to 2019??? Come on, who is this designed to serve?

Please vote against this bad bill.

LATE

HB-1247

Submitted on: 2/2/2023 2:37:28 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	Individual	Oppose	Written Testimony Only

Comments:

This bill is attempting to fly under the flag of affordable housing while dismantling important environmental safeguards for all housing development, regardless of the price point or market they will serve. Please oppose this giveaway to developers.

HB-1247

Submitted on: 2/2/2023 2:50:05 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Kerry Long	Individual	Oppose	Written Testimony Only

Comments:

We can house people and protect the environment. Enough using affordable housing as a trojan horse for deregulation .

LATE

HB-1247

Submitted on: 2/2/2023 3:03:03 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Samantha Kaneakua	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Hashimoto, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and members of the committees,

I OPPOSE HB1247, which aims to exempt certain housing developments from environmental review law. As a resident of these islands, I recognize the critical importance of housing for our current and future generations to keep Hawai'i a place they call home. However, the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result.

As such, exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed.

Please vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Mahalo nui!

Sincerely,

Samantha Kāneakua

LATE

HB-1247

Submitted on: 2/2/2023 3:10:07 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jamie Valdez	Individual	Oppose	Written Testimony Only

Comments:

I do not believe HB1247 to be a good approach to the current housing crisis in Hawai'i. From what I've seen, a lot of the "affordable" housing are just allocated units in huge skyscraping luxury condo buildings. For example, Azure has affordable units and housing but the units offered are simply unliveable for a crazy price. I find this bill to be putting the health of the 'āina at risk for "faster" affordable housing. In reality, I think this bill will just let developers go after the land and develop with visitors and out-of-state residents at the forefront of their minds instead of the actual people, mostly Native Hawaiians and locals, who need affordable housing.

LATE

HB-1247

Submitted on: 2/2/2023 3:16:12 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexander K.D. McNicoll	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

LATE

HB-1247

Submitted on: 2/2/2023 3:44:01 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sue Cowing	Individual	Oppose	Written Testimony Only

Comments:

This bill has little to do with actually providing affordable housing and more to do with letting general housing developments, future and retroactive, hide behind the "affordable housing" shield to get exemptions from environmental regulation. A special interersts bill. A'ole.

LATE

HB-1247

Submitted on: 2/2/2023 5:32:12 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl B.	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE

At this time, when so much is happening on our islands, why would we pass a bill that exempts affordable housing and certain qualifying housing development projects from HEPA? If this bill passes, who will be watching, checking and ensuring that the `āina is protected? Exempting from HEPA means that protections for our natural and cultural resources will not happen. Our state offices in charge of watching over these areas are already understaffed and unable to meet our current issues, what will happen if they are exempt. Of course, we all want affordable housing but at what price and who benefits? Certainly not those who need housing. It is always about the developers, giving them breaks. Perhaps the better route would be to use the places we already have and stop more development.

LATE

HB-1247

Submitted on: 2/2/2023 5:49:18 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Oppose	Written Testimony Only

Comments:

I **OPPOSE** HB1247, which aims to exempt certain housing developments from environmental review law. Exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed.

I urge you to vote against HB1247 to ensure the responsible development of our precious lands and public trust resources. Mahalo!

LATE**HB-1247**

Submitted on: 2/2/2023 8:59:15 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kapulei Flores	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I **OPPOSE** HB1247, which aims to exempt certain housing developments from environmental review law. Our environmental review law plays a critical role in ensuring that certain decisions potentially impacting our islands' environmental, cultural, and socioeconomic integrity are carefully and transparently assessed. Now more than ever the government and developers need to be even more diligent in protecting Hawai'i's public trust resources that are already under strain from climate destabilization, over development, diversions, and pollution. Taking care of our natural resources in order for us to sustain life here should be prioritized. Exempting development projects from thorough and informed environmental review may have irreversible environmental, cultural, and socioeconomic impacts that must be carefully considered, not bypassed.

LATE

HB-1247

Submitted on: 2/2/2023 9:19:10 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Lucienne de Naie	Individual	Oppose	Written Testimony Only

Comments:

Please do not pass this bill and strip crucial environmental review from projects on our public lands. I support affordable housing. I support government being involved in public housing solutions. Public lands are a sacred trust. We need the guidance of environmental review to know the best lands to use for safe, sanitary housing that will not be subject to natural or manmade disasters.

Mahalo for your consideration

Lucienne de Naie, Huelo, Maui

HB-1247

Submitted on: 2/2/2023 9:28:18 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Makaiwa kanui	Individual	Oppose	Written Testimony Only

Comments:

“I strongly oppose this bill. All development projects should be required to comply fully with HEPA (Hawai‘i Environmental Protection Act) and should be required to conduct all environmental assessments and environmental impact statements. There should be NO exceptions.”

HB-1247

Submitted on: 2/2/2023 9:28:32 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Brenda Wong	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. All development projects should be required to comply fully with HEPA (Hawai'i Environmental Protection Act) and should be required to conduct all environmental assessments and environmental impact statements. There should be NO exceptions. No loopholes!!!

LATE

HB-1247

Submitted on: 2/2/2023 9:57:42 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
janice palma-glennie	Individual	Oppose	Written Testimony Only

Comments:

aloha,

please vote "NO" on this fake bill.

HB 1247 mentions affordable housing but isn't just about affordable housing. in fact, this bill will help undermine important environmental safeguards for all housing development.

having been involved in land use planning issues in hawaii for 4 decades, i'm wary of legislation and efforts to built "affordable housing" (like "streamlining" permitting measures) when, in fact, they're written for and by developers.

mahalo for standing strong against this bill and FOR truly affordable and workforce housing for our state's people.

janice palma-glennie

kailua-kona

LATE

HB-1247

Submitted on: 2/2/2023 10:23:18 PM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Danielle Espiritu	Individual	Oppose	Written Testimony Only

Comments:

I am writing in strong opposition to HB1247. All development projects should be required to comply fully with HEPA (Hawai'i Environmental Protection Act). Developers should be required to conduct all environmental assessments and environmental impact statements. There should be NO exceptions. A failure to enforce these protections will have huge cultural, environmental, and economic ramifications that will last generations. Every Native Hawaiian cultural practice is tied to 'āina. Without clear assessments as to the impact development projects will have on 'āina pose a direct threat to the practice and perpetuation of the Hawaiian culture. In addition, while this may seem to be a quick fix, the environmental degradation that will likely result from this condoned negligence will have direct impacts on local farms and farmers as well as cultural practitioners.

I ask that you oppose and terminate HB1247 and instead aim to create legislation that addresses the need for affordable housing at the root.

LATE

HB-1247

Submitted on: 2/3/2023 5:59:41 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
JONATHAN LOTT	Individual	Oppose	Written Testimony Only

Comments:

Unacceptable, deceptive, and dangerous bill. Ill advised, must not pass!

LATE

HB-1247

Submitted on: 2/3/2023 6:36:39 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Raelyn Reyno Yeomans	Individual	Oppose	Written Testimony Only

Comments:

Please do not pass HB1247.

As a resident of these islands, I recognize the critical importance of housing for our current and future generations to keep Hawaii a place they call home. However, the housing crisis cannot be used to strip away critical protections for our natural and cultural resources that make our home so special to us - and that could be unnecessarily impacted or destroyed as a result.

LATE

HB-1247

Submitted on: 2/3/2023 8:39:35 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Oppose	Written Testimony Only

Comments:

Thank you for this opportunity,

I strongly OPPOSE HB1247.

This is a perfect example of “A lion in sheep’s clothing” metaphor. Referring to warning one to be mindful of a “frenemy”.

This bill poses to value and impact affordable housing, YET it truly serves to dismantle necessary environmental safeguards for all housing development, regardless of the price point or market they will serve.

The very big question that naturally is raised is “who this bill actually serves?” It is NOT affordable housing.

Where will Hawai’i be without Hawaiians and our keiki o ka aina? This does align with our state motto.

Mahalo for your reading this testimony.

Aloha

Maki Morinoue

96725

LATE

LATE

HB-1247

Submitted on: 2/3/2023 9:53:41 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
danielle marilyn west	Individual	Oppose	Written Testimony Only

Comments:

This is a bad bill and is dangerous to so much of what is sacred left in Hawai'i - our natural and cultural resources. Please shut this bill down. Its bad for Hawai'i!

LATE

LATE

HB-1247

Submitted on: 2/3/2023 10:08:53 AM

Testimony for HSG on 2/3/2023 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Hideki Kimukai	Individual	Oppose	Written Testimony Only

Comments:

This will create irreversible and unnecessary environmental, cultural and socioeconomic impacts on the public interest. This will accerelate more houselessness driving force from outside of Hawaii. Mahalo for protecting the land that gives life to the people of the land Hawaii.