

HB-538-HD-1

Submitted on: 2/27/2023 10:55:12 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Edward Jones	OSTRA	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee on Finance,

OSTRA is OPPOSED to HB538 because it establishes additional penalties if the owner who receives a Notice of Violation and fails to fix it within "timeframe that is satisfactory to the department". Most importantly, it grants the state and counties the authority assesses excessive daily fines for minor offenses without Judicial Approval.

HB-538-HD-1

Submitted on: 2/27/2023 8:13:54 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Debra Piro	Individual	Oppose	Written Testimony Only

Comments:

I highly oppose HB538, because its a blatant violation of owners constitutional rights under 4th amendment against unreasonable search and seizures.

HB-538-HD-1

Submitted on: 2/27/2023 8:17:42 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
lillie mcafee	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE HB 15. IT IS UREASONABLE. DPP HAS PROVEN OVER AND OVER TO BE COMPLETELY INCOMPETENT.

HB-538-HD-1

Submitted on: 2/27/2023 8:25:23 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Vladimir Gurovich	Individual	Oppose	Written Testimony Only

Comments:

The idea that a city planning inspector would have the power to enter private property without permission or search warrant is ridiculous and unconstitutional, especially given the multitude of scandals Honolulu Department of Planning and Permitting has already been involved in

I strongly oppose HB538

HB-538-HD-1

Submitted on: 2/27/2023 8:25:33 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ken Kribel	Individual	Oppose	Written Testimony Only

Comments:

I am adamantly against HB 538

this is complete government over reach.

an invasion of privacy.

unconstitutional under the 4th amendment

why do these ridiculous bill keep showing up,

there are more Important issues

do not pass this bill

HB-538-HD-1

Submitted on: 2/27/2023 8:26:09 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen Ochsenbein	Individual	Oppose	Written Testimony Only

Comments:

Here is another example of trying to pass laws that will not hold up in court. Please oppose.

HB-538-HD-1

Submitted on: 2/27/2023 8:50:39 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Orly Maor	Individual	Oppose	Written Testimony Only

Comments:

I would like to have a testimony of opposition of bill number 538, that will be bad for us, homeowners and all the community that help us run everything. Please don't pass this bill.

Mahaloi, Orly Maor

HB-538-HD-1

Submitted on: 2/27/2023 9:07:43 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Fernandez	Individual	Oppose	In Person

Comments:

State Legislature

OPPOSE HB538. This is another crazy proposal from the State legislature that will actually allow DPP inspectors to enter a home without proper search and seizure and due process authority. Under what circumstances would this be allowed if the police are prevented from doing this? Who writes these laws in the State? We as citizens that pay your salaries and trust the legislatures to preserve our rights. I as a citizen do not want to vote any clown into office that actually strips my constitutional rights. We are part of the US and not South Korea or Russia. You may laugh at this but this is how it all starts. The legislatures unilateral presumption that you can adversely affect citizens without a legal challenge. Try voting for this and your legislative history will be tarnished forever!! We are keeping tabs of every and all malicious proposals affecting our rights.

Angry constituent,

Richard

HB-538-HD-1

Submitted on: 2/27/2023 9:13:11 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

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

Comments:

HB538 SOUNDS UN AMERICAN11 ALLOWING A GOVERMENT AGENCY TO TRASH

THE 4th AMENDMENT UNLAWFUL SEARCH AND SEIZURE. SCARY AT BEST.

HB-538-HD-1

Submitted on: 2/27/2023 9:17:56 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John An	Individual	Oppose	Remotely Via Zoom

Comments:

I am testifying in opposition to HB538. The fines and penalties proposed in this bill are not in line with the infraction. This bill makes infractions from property ownership a more punishable crime than drunk driving, firing a gun, etc. This bill essentially is stating that property ownership with minor infractrions is one of the most punishable crime.

A person charged with drunk driving, which is a threat to the life safety of others, is treated with more due process than a property owner. How can drunk driving be a lesser crime?

Please do not pass this bill.

HB-538-HD-1

Submitted on: 2/27/2023 9:19:55 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
RALPH FURLEY	Individual	Oppose	Remotely Via Zoom

Comments:

State Legislature,

My clients feel threatened with HB15 and HB538 and have consulted with me and I agree with them. I have reviewed the manuscript of both these bills and can testify that they violate basic constitutional homeowner rights. This will be an easy one to challenge in Federal court if it passes. Please spend your efforts in what voters trust you to do - preserving basic citizens and homeowner rights

Sincerely,

R. Furley

HB-538-HD-1

Submitted on: 2/27/2023 9:31:50 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cecila Gomez	Individual	Oppose	Written Testimony Only

Comments:

HELLO everyone,

Please DO NOT PASS THIS HB538. My neighbor just read it to me and we are both concern that would give the right to a government inspector to enter a home without a judicial permission. What is happening here? I fled communist Cuba in the early 60's to come to a land that had freedom and a just system. Its seems this island is too far away from the manland that they forgot there is a constitution. I may be elderly, frail and alone but I am a strong woman who will go after anyone who tries to strip away my legal home rights because it is all I have in this world.

I am very angry with all of you who waste my time and concern me,

Cecilia Gomez

HB-538-HD-1

Submitted on: 2/27/2023 9:34:40 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jill Paulin	Individual	Oppose	Written Testimony Only

Comments:

Please vote "no" on this Bill that takes more homeowner's rights away. This Bill gives the DPP more rights/ authority when they haven't yet used the authority that they have. Please vote against having more homeowners' rights away.

HB-538-HD-1

Submitted on: 2/27/2023 9:51:59 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Janet Dawson	Individual	Oppose	Written Testimony Only

Comments:

It would be crazy to permit agencies to enter into private spaces with out permission or without a warrent. One agency on its own should not be allowed to determine when someones rights should be overlooked. When a search warrent is required there are at minimum 2 agencies that both agree that something should be looked at.

Hawaii has had corruption within different agencies. Having the Justice department overseeing the entering would help prevent corruption.

HB-538-HD-1

Submitted on: 2/27/2023 9:56:43 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Noll	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee Members,

Please vote NO on HB538!

This bill gives way too much authority to the DPP, allowing exorbitant daily penalties for non-compliance, and granting them authority to enter private property without permission or a search warrant. **THIS IS A BLATANT VIOLATION OF OWNERS CONSTITUTIONAL RIGHTS UNDER THE 4TH AMENDMENT AGAINST UNREASONABLE SEARCH AND SEIZURES!**

If the violations aren't remediated to the DPP's satisfaction and their time frame, the penalties could exceed \$5000.00, which could be a 5 day period of non-compliance (for whatever reason), they have the authority to put a lien on the property within 30 days. **TOO MUCH POWER!**

If the homeowner doesn't remediate to the DPP's satisfaction, within the 30 day timeframe, the DPP can commence foreclosure proceedings, judicial or nonjudicial, on the property without delay. **TOO MUCH POWER!**

Nancy Noll

HB-538-HD-1

Submitted on: 2/27/2023 10:08:17 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Karen Luke	Individual	Oppose	Written Testimony Only

Comments:

DPP should have penalties imposed upon itself for not following the code. To establish additional penalties on a owner who is unable to fix a violation within DPP's subjective timeframe and to have DPP investigators enter private property without permission is undemocratic and tyrannical.

HB-538-HD-1

Submitted on: 2/27/2023 10:09:36 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Norm Nichols	Individual	Oppose	Written Testimony Only

Comments:

Again when did Hawaii become a Nazi organization. This overstepping of personal and constitutional rights is disgusting and authors of this kind of legislation need to either go back to school or find other kinds of employment.

HB-538-HD-1

Submitted on: 2/27/2023 10:25:07 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Katy C	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill primarily for its allowance of DPP investigators the right to inspect homes without a warrant. This is a blatant violation of owners constitutional rights under 4th amendment against unreasonable search and seizures. Requiring owners to an NOV within a "timeframe that is satisfactory to the department" is also vague and subjective. This is yet another bill that is clearly aimed at granting DPP free reign to target and prosecute vacation rentals without due process.

HB-538-HD-1

Submitted on: 2/27/2023 10:38:34 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
martin haas	Individual	Comments	Written Testimony Only

Comments:

because its a blatant violation of owners constitutional rights under 4th amendment against unreasonable search and seizures.

HB-538-HD-1

Submitted on: 2/27/2023 10:57:47 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Julian Ritchey	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY oppose this bill.

Additional penalties if the owner that receives an NOV fails to fix it within "timeframe that is satisfactory to the department" is egregious. More importantly, granting the DPP investigators authority to enter private property for without permission or a search warrant is a blatant violation of owners constitutional rights under 4th amendment against unreasonable search and seizures.

I can't believe that this is actually up for consideration.

Mahalo,

Julian Ritchey

HB-538-HD-1

Submitted on: 2/27/2023 11:10:46 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Swart	Individual	Oppose	Written Testimony Only

Comments:

Can your committee PLEASE ask a constitutional lawyer for advise. This appears a blatantly affront to the 4th Amendment. It would be a waste of everyone's time to move forward with a bill that will be thrown out by the courts.

Also there should also be a stipulation in HB-538 that DPP must respond to an owner who has reported back to DPP of the changes that were made to resolve the NOV issues. DPP should be obligated by law to inform the recipient of an NOV -- within a certain amount of time -- whether the changes meet the requirements or not.

I have sent DPP numerous emails and left voice messages with my inspector and DPP director after being falsely accused of breaking the law. I wanted to find out if the changes I made were acceptable. Weeks later they still have not replied, leaving me in legal limbo. This is quite rude and unprofessional.

Paul Swart

Long-term TVU operator

HB-538-HD-1

Submitted on: 2/27/2023 11:35:35 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lori Rough	Individual	Oppose	Written Testimony Only

Comments:

I am against HB538 because it violates a citizen's constitutional right, guaranteed under the 4th Amendment, which protects against unreasonable search and seizure.

HB-538-HD-1

Submitted on: 2/27/2023 11:40:46 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sara Penn	Individual	Oppose	Written Testimony Only

Comments:

I Oppose HB538 because its a blatant violation of owners constitutional rights under 4th amendment

against unreasonable search and seizures.

HB-538-HD-1

Submitted on: 2/27/2023 11:43:14 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan A Bryson	Individual	Oppose	Written Testimony Only

Comments:

HB538 proposes to establish additional penalties for property owners who fail to fix violations within a "satisfactory" timeframe as determined by the Department of Planning and Permitting (DPP). While it is important to hold property owners accountable for maintaining safe and habitable living conditions, granting DPP investigators the authority to enter private property without permission or a search warrant is a clear violation of the Fourth Amendment of the US Constitution.

The Fourth Amendment protects individuals from unreasonable searches and seizures by law enforcement officers, requiring that searches be conducted with a warrant supported by probable cause. Allowing DPP investigators to enter private property without a warrant or consent would undermine this important constitutional protection, potentially leading to abusive and intrusive government practices.

Opponents of HB538 argue that there are already established legal processes for addressing code violations, such as issuing citations, fines, and court orders, which do not require violating the Fourth Amendment rights of property owners. Additionally, property owners may be unfairly targeted by investigators who may have a bias against certain types of properties or neighborhoods.

In summary, opposing HB538 is important to protect property owners' constitutional rights and prevent potential abuses of power by government officials.

HB-538-HD-1

Submitted on: 2/27/2023 11:53:04 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Adam Rose	Individual	Oppose	Written Testimony Only

Comments:

Dear Hawaii House Members,

I am writing to express my strong opposition to House Bill 538 (HB538), which proposes to allow law enforcement officers to conduct warrantless searches of private property. This bill is a blatant violation of owners' constitutional rights under the Fourth Amendment, which protects against unreasonable search and seizures.

HB538 would allow law enforcement officers to enter homes without a warrant or consent from the owner. This means that owners could be subjected to intrusive and unwarranted searches of their property, without any legal recourse to challenge the search.

The Fourth Amendment is a critical safeguard against government overreach and abuse of power. It is designed to protect the privacy and property rights of individuals. HB538 undermines this important constitutional protection and sets a dangerous precedent for government intrusion into private property.

Moreover, this bill does not provide any clear guidelines or limitations on what constitutes a "suspicious circumstance" that would allow officers to conduct a warrantless search. This lack of clarity could lead to abuse of power and the potential for law enforcement officers to target innocent owners without just cause.

I urge you to oppose HB538 and to protect the constitutional rights of Hawaii's homeowners. Thank you for considering my views on this important matter.

Sincerely,

Adam Rose

HB-538-HD-1

Submitted on: 2/27/2023 12:15:28 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Margaret Murchie	Individual	Oppose	Written Testimony Only

Comments:

DPP is understaffed and not consistent and it's hard to be sure that they would be fair. The entry without a search warrant is extreme and treating public criminally. It establishes additional penalties if the owner that receives an NOV fails to fix it within "timeframe that is satisfactory to the department", but they cannot even handle the building permits in line for processing now so how can property owners get their properties into compliance in a timely fashion? Most importantly, it grants the DPP investigators authority to enter private property without permission or a search warrant, which appears to be unconstitutional and a violation of private property rights. .

HB-538-HD-1

Submitted on: 2/27/2023 12:21:46 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Helen Petrovitch	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB538. It would allow DPP inspectors to come on private property without homeowner's permission and search their homes. This is not allowed due to homeowner's constitutional rights. Even police officers cannot search a home without a search warrant.

HB-538-HD-1

Submitted on: 2/27/2023 12:39:37 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Claudia Parker	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to HB538 because I am appalled that DPP investigators will be granted the authority to enter private property without permission or a search warrant. That is basic constitutional law and it seems that the State of Hawaii continues to trample on our 4th amendment constitutional rights of unreasonable search and seizure. It is insulting and upsetting to property owners and a grant of way too much power to the government in violation of our protected constitutional rights. What is so pressing with respect to a NOV that a search warrant cannot be properly obtained? If there is a potential criminal violation (e.g., a meth lab) there are other ways for the police to gain entry. But a garden variety civil servant at the DPP? Come on, folks, let's be reasonable and let's comply with our US constitution!

Further, the additional fines for failure to fix a NOV within the "timeframe that is satisfactory to the department" is extremely vague. It seems that with the sand burrito problem on the North Shore, years are not enough for the DPP to enforce and collect its fines, however, it seems that this legislation could be directed at punishing short term rentals, causing selective enforcement issues. What is the "timeframe that is satisfactory to the department"? It seems that with the DPP, destroying Hawaii's beaches is OK to put on the back burner for years for enforcement while fines pile up (even talk from legislators about forgiving those fines in order to garner compliance???), but punishing an otherwise legal short term rental could be put on the front burner because of the ease of enforcing this new law against that activity. Disparate treatment, that's for sure. This bill is a bad idea and should not pass.

HB-538-HD-1

Submitted on: 2/27/2023 1:36:02 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rebeca Buel	Individual	Oppose	Written Testimony Only

Comments:

Opposed this bill

HB-538-HD-1

Submitted on: 2/27/2023 2:14:22 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
karin omahony	Individual	Oppose	Remotely Via Zoom

Comments:

Oppose HB 538

This a is another proposed law that violates constitutional rights. No one should be authorized to enter private property without a search warrant. The police can't. Why would you authorize DPP to do this? (A government regulatory body known to work for bribes, which has a yearlong backlog of its lawful work - issuing building permits for new housing.)

Before you promote bills, please make sure they are constitutional so as not to waste more taxpayer money that could have otherwise been used to actually benefit the residents of Hawaii. The hotels don't need anymore tax payor, homeowner funded protections

HB-538-HD-1

Submitted on: 2/27/2023 2:42:02 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Leslie R Lewis	Individual	Oppose	Written Testimony Only

Comments:

Please vote "NO" for this bill that allows for the entry into personal residences.

This and many other rules being proposed could be easily abused. The Department of Planning and Permitting has well publicized issues with corruption and should not be allowed to act as police and enter residences without express permission of the owner.

There has been a large number of rules proposed that are taking away rights of citizens and it is very sickening to see. Please stop this over-reaching of government and invasion of private property rights of the people. The government is acting like a bully and affects more than the intended as rules get misinterpreted, inconsistent and over applied.

Most people who have a home have worked very hard to get them. It is their sanctuary. They have responsibilities and rights. Do not remove the rights of all of the people for the few that do not comply. Deal with those few in a different way.

I oppose HB538 because it's a violation of owners constitutional rights under 4th amendment against unreasonable search and seizures.

The DPP cannot be trusted as I have witnessed during the past 30 days, dirty tactics by DPP such as sending the Notice of Violation to a "Lessor" (land owner) of a Leasehold property instead of the actual owner who owns the unit. This is unfair and dirty tactics in efforts for DPP to be able to charge and rack up grigios fines and penalties without the real owner's knowledge or even being properly issued a violation. Also, my ads have the TA# of the owner, the TMK # of the property and my company name and license # so there is no excuse for DPP to not notify the correct owner and or the company managing the unit OR BOTH. DPP would rather justify grigios penalties and a position to "unfairly" steal an owner's property which is NOT THE ROLE of the Department of Planning and Permitting. DPP cannot even issue permits properly.

Additionally, DPP knows there are a dozen of buildings in Waikiki that were all previously zoned H-1 and H-2 from the 1980's which were rezoned to Apartment Prescient however the dozen or so buildings under Hawaii law were not supposed to lose the rights already given to them prior to the zoning changes. I have testified to these issues for years however DPP refuses to do the right thing. One of these buildings, is the Waikiki Park Heights of which DPP put in writing in 2019 that they could not make a "determination" as to the legal use. The Waikiki Park Heights was built as an Hotel and half of the units in the building were deemed "lodging units", no kitchens and no 220 volts for an oven. How can DPP be the authority but not be able to "make a determination". DPP has failed greatly over the past decades which is why we have this mess now. DPP is not doing the right thing and instead being used to attack under a MOB RULE which is unacceptable.

Another example of an Abuse of Power is that I heard that an owner of a unit at the INN ON THE PARK located between hotels but on the "wrong" side of Kuhio Ave / Ala Moana Blvd according to zoning changes in the 1980's, has received a violation for renting for less than 30 days however the attached letter from DPP signed by Kathy Sukogawa in 2017 states that the INN OF THE PARK is allowed to conduct less than 30 day rentals. There is NO PROTOCOL for DPP to prove the use is not allowed but instead the owner was FORCED to stop or face outrageous and grigios fines even in situations where DPP is wrongly attacking owners of buildings who were grandfathered in because of the prior H-1 or H-2 zoning.

The issue is that all of these buildings are outside the resort map connected to Bill 41 and now DPP is attacking these owners and abusing their powers pretending these few buildings are conducting illegal short-term rentals when they were grandfathered in as legal NON-Conforming Hotels and or were exempted in the late 80's from needing to get the NUC because renting for less than 30 days was allowed. Before when I pressed DPP for clarification, DPP said the use may no longer conform. I asked if the use granted was conditional, then where in writing did the conditional use be made clear to the building, AOA of the building owners or to each owner directly. DPP could not provide any such conditional use provided in writing. Today I requested the list of Non-conforming Hotels and exempted buildings from Bill 41 however DPP said no such list exists. Shouldn't DPP know which buildings are allowed whether by grandfathering or by zoning?

DPP is being weaponized which should be a CRIME! This attack on property ownership rights is a mis-use of power. For all of these reasons, you must vote NO on HB538.

Attached:

DECLARATION OF KATHY SOKUGAWA regarding Inn on the Park signed 8/15/2017

DPP'S LIST OF BUILDINGS REVIEWED FOR EXEMPTION FROM THE NUC REQUIREMENTS 12/15/1994



Handwritten signature and date: 2-27-23

DEPOSITION OF KATHY K. SOKUGAWA DURING UNRELATED BUILDING LAWSUIT

BY WAIKIKI LAMIS AAO

See "EXHIBIT 16" LIST OF PROPERTIES

PROVIDED BY DPPS

DIRECTOR

KATHY SOKUGAWA

KIRK CALDWELL
MAYOR

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
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KATHY K. SOKUGAWA
ACTING DIRECTOR
TIMOTHY F. T. HIU
DEPUTY DIRECTOR

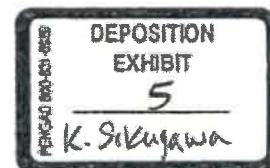
DECLARATION OF KATHY K. SOKUGAWA

1. My name is Kathy K. Sokugawa, and I make this declaration under penalty of law.
2. I am the Acting Director of the City and County of Honolulu's Department of Planning and Permitting ("DPP").
3. As the Acting Director for DPP, I am responsible for the administration and enforcement of the City Land Use Ordinance ("LUO"), which is codified as Chapter 21 of the Revised Ordinances of Honolulu, 1990 (as amended).
4. I am personally familiar with the provisions of the LUO.
5. I am also familiar with the Inn on the Park Condominium Project ("Project"), which is located at 1920 Ala Moana Blvd., Honolulu, Hawaii; TMK No. 2-8-7: 26.
6. I have examined the Developer's public reports for the project.
7. On April 7, 2017, I met with several individuals who own condominium units in the Project; during this meeting I stated that short-term rentals (i.e., rentals of less than 30 days) would be allowed in units for the Project if the Project operated consistent with the LUO's definition of "hotel," assuming that the nonconforming "hotel" use has been maintained, consistent with the requirements of the LUO.
8. The LUO defines a "hotel" as follows:

"Hotel" means a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24 hour clerk service, and facilities for registration and keeping of records relating to hotel guests. A hotel may also include accessory uses and services intended primarily for the convenience and benefit of the hotel's guests, such as restaurants, shops, meeting rooms, and/or recreational and entertainment facilities.


Kathy K. Sokugawa, Acting Director
Department of Planning and Permitting

Dated: August 15, 2017
Honolulu, Hawaii



PLEASE DO NOT REMOVE

LIST OF BUILDINGS REVIEWED
 FOR
 EXEMPTION FROM THE NONCONFORMING USE CERTIFICATE REQUIREMENTS
 OF ORDINANCE 89-154

Transient Vacation Units are permitted in areas zoned R-1 Resort and Resort-Hotel Precinct. They are permitted in other zoning districts only with a nonconforming use certificate, except that nonconforming hotels are exempt from the certificate requirement. Research has been completed on the following buildings to determine if they qualify for this exemption:

PROJECT NAME	ADDRESS	TAX MAP KEY	CURRENT ZONING	EXEMPT FROM NUC (YES/NO)
2121 Ala wai	2121 Ala wai Blvd.	2-6-17: 003	Apt. Precinct	No
2211 Ala wai	2211 Ala wai Blvd.	2-6-20: 033	Apt. Precinct	No
ALA MOANA AMERICANA Ala wai King Hotel	419 Atk/655a 2003/2007 Ala wai Blvd.	2-3-038 \ 002 2-6-15: 033, 034	Box 3 Apt. Precinct	Yes Yes
Ala Wai Terrace Apts.	1547 Ala Wai Blvd.	2-6-11: 004, 024	Apt. Precinct	No
Ala Wai Terrace Hotel	1684 Ala Moana Blvd.	2-6-11: 022	Apt. Precinct	Yes
Aloha Surf Hotel	444 Kanekapolei St.	2-6-21: 016	Apt. Precinct	Yes
Aloha Towers	430 Lewers St.	2-6-17: 005	Apt. Precinct	No
Ambassador Hotel	2040 Kuhio Ave.	2-6-15: 001-006	Apt. Precinct	Yes
Canal House	2611 Ala wai Blvd.	2-6-28: 001	Apt. Precinct	No
Coconut Plaza	450 Lewers St.	2-6-17: 028	Apt. Precinct	Yes
Colony Beach	2893 Kalakaua Ave.	3-1-32: 009	A-2	No
Colony Surf	2895 Kalakaua Ave.	3-1-32: 010	A-2	Yes
Colony Surf East	2895 Kalakaua Ave.	3-1-32: 016	A-2	Yes
Coral Reef	2299 Kuhio Ave.	2-6-22: 002	Res. Comm. Precinct	Yes

<u>PROJECT NAME</u>	<u>ADDRESS</u>	<u>TAX MAP KEY</u>	<u>CURRENT ZONING</u>	<u>EXEMPT FROM NUC (YES/NO)</u>
Diamond Head View	230 Makee Rd.	2-6-28: 020	Apt. Precinct	Yes
Drifwood Hotel	1696 Ala Moana Blvd.	2-6-11: 020	Apt. Precinct	Yes
Edmund's Apartments	2411 Ala Wai Blvd.	2-6-24: 094	Apt. Precinct	No
Fairway Villa	2345 Ala Wai Blvd.	2-6-21: 021	Apt. Precinct	No
The Governor Clegghorn	225 Kaiulani Ave.	2-6-24: 097	Apt. Precinct	No
Hale Hui	2406 Kuhio Ave.	2-6-24: 021	Apt. Precinct	No
Hawaii Dynasty	1830 Ala Moana Blvd.	2-6-12: 005	Apt. Precinct	Yes
Hawaiian Colony Hotel	1946 Ala Moana Blvd.	2-6-07: 020	Res. Comm. Precinct	Yes
Hawaiian Crown	236 Liliuokalani Ave.	2-6-24: 032	Apt. Precinct	Yes
Hawaiian King	417 Nohonani St.	2-6-21: 102	Apt. Precinct	Yes
Hawaiian Monarch	444 Niu St.	2-6-14: 032	Apt. Precinct	Yes
Hawaiian Princess	84-1021 Lahilahi St.	8-4-04: 006	A-2	No
Haw'n Seaside Hostel aka Backpackers Hostel	419 Seaside Ave.	2-6-21: 060,061	Apt. Precinct	No
Holiday Surf	2303 Ala Wai Blvd.	2-6-21: 028	Apt. Precinct	Yes
Honolulu Prince	414 Nahua St.	2-6-21: 107	Apt. Precinct	Yes
Ilima	445 Nohonani St.	2-6-21: 068	Apt. Precinct	Yes
Inn on the Park	1920 Ala Moana Blvd.	2-6-07: 026	Apt. Precinct	Yes
Island Colony	445 Seaside Ave.	2-6-21: 026	Apt. Precinct	Yes
Kaiulani Apts.	222 Kaiulani Ave.	2-6-21: 004	Apt. Precinct	No

<u>PROJECT NAME</u>	<u>ADDRESS</u>	<u>TAX MAP KEY</u>	<u>CURRENT ZONING</u>	<u>EXEMPT FROM NUC (YES/NO)</u>
Kuhio Banyan	2310 Kuhio Ave.	2-6-21: 023	Apt. Precinct	Yes
Kuhio Surf Club	2170 Kuhio Ave.	2-6-17: 051	Apt. Precinct	No
Lealea Hale	2423 Cleghorn St.	2-6-24: 095	Apt. Precinct	No
Maiile Sky Court	2058 Kuhio Ave.	2-6-16: 046	Apt. Precinct	Yes
Marine Surf	364 Seaside Ave.	2-6-19: 001	Res. Comm. Precinct	Yes
439 Nahua Street	439 Nahua Street	2-6-21: 039	Apt. Precinct	No
444 Nahua Street	444 Nahua St.	2-6-21: 049	Apt. Precinct	No
Outrigger Hobron	343 Hobron Ln.	2-6-12: 047	Apt. Precinct	Yes
Outrigger Malia	2211 Kuhio Ave.	2-6-19: 021	Res. Comm. Precinct	Yes
Outrigger Surf	2280 Kuhio Ave.	2-6-21: 078, 081	Apt. Precinct	Yes
Outrigger West	2330 Kuhio Ave.	2-6-21: 099	Apt. Precinct	Yes
Pacific Islander	249 Kapili st.	2-6-24: 041	Apt. Precinct	No
Pacific Palms	441 Lewers St.	2-6-20: 069	Apt. Precinct	Yes
Park Plaza Waikiki	1956 Ala Moana Blvd.	2-6-07: 027	Res. Comm. Precinct	Yes
Pate's at Punahoa	53-567 Kam. Hwy.	5-3-08: 002	A-2	Yes
Prince Kuhio	2500 Kuhio Ave.	2-6-25: 024	Apt. Precinct	Yes
Promenada Apts.	423 Kaiolu St.	2-6-17: 006	Apt. Precinct	No
Royal Aloha	1909 Ala Wai	2-6-14: 026	Apt. Precinct	No
Royal Kuhio	2240 Kuhio Ave.	2-6-20: 058	Apt. Precinct	No

<u>PROJECT NAME</u>	<u>ADDRESS</u>	<u>TAX MAP KEY</u>	<u>CURRENT ZONING</u>	<u>EXEMPT FROM NUC</u> (YES/NO)
Sat Grand Hotel	440 Olohana St.	2-6-16: 039	Apt. Precinct	Yes
Seaside Hotel	342 Seaside Ave.	2-6-19: 009	Res. Comm. Precinct	Yes
Seaside Suites	440 Seaside Ave.	2-6-20: 001	Apt. Precinct	No
* Waikiki Banyan	201 Ohua St.	2-6-25: 005	Apt. Precinct	No
Waikiki Beachcomber	2300 Kalakaua Ave.	2-6-22: 010	Res. Comm. Precinct	Yes
Waikiki Gateway	2070 Kalakaua Ave.	2-6-16: 065	Res. Comm. Precinct	Yes
Waikiki Imperial	225 Liliuokalani Ave.	2-6-25: 032	Apt. Precinct	No
Waikiki Joy Hotel	320 Lewers St.	2-6-18: 007, 083	Res. Comm. Precinct	Yes
Waikiki Lanais	2452 Tunitala St.	2-6-24: 069	Apt. Precinct	No
Waikiki Park Heights	2440 Kuhio Ave.	2-6-24: 024	Apt. Precinct	Yes
Waikiki Parkside	1850 Ala Moana Blvd.	2-6-12: 003	Apt. Precinct	Yes
Waikiki Sand Villa	2375 Ala Wai Blvd.	2-6-21: 011	Apt. Precinct	Yes
Waikiki Skyliner	2415 Ala Wai Blvd.	2-6-24: 074	Apt. Precinct	No
Waikiki Skytower	2410 Cleghorn St.	2-6-24: 053	Apt. Precinct	No
* Waikiki Sunset	229 Paokalani Ave.	2-6-28: 011	Apt. Precinct	No
Waikiki Surf	2200 Kuhio Ave.	2-6-20: 018	Apt. Precinct	Yes
Waikiki Surf East	422 Royal Haw'n Ave.	2-6-20: 022	Apt. Precinct	Yes
Waikiki Surf West	412 Lewers St.	2-6-17: 007, 049	Apt. Precinct	Yes
Waikiki Terrace	2045 Kalakaua Ave.	2-6-06: 002	Res. Comm. Precinct	Yes

xmjhuc:cbw
December 16, 1994

<u>PROJECT NAME</u>	<u>ADDRESS</u>	<u>TAX MAP KEY</u>	<u>CURRENT ZONING</u>	<u>EXEMPT FROM NUC (YES/NO)</u>
Waikiki Townhouse	2421 Tusitala St.	2-6-24: 059	Apt. Precinct	Yes
White Sands Waikiki	431 Nohonani St.	2-6-21: 029,103	Apt. Precinct	Yes

HB-538-HD-1

Submitted on: 2/27/2023 4:45:15 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Levi Brooker	Individual	Oppose	Written Testimony Only

Comments:

I am against **HB538** because it is a blatant violation of owners' constitutional rights under the 4th amendment against unreasonable search and seizures. Why are tax dollars being wasted on litigation that would clearly be unenforceable even if passed? Please focus on incentivizing new construction of affordable housing as opposed to scapegoating the small group of remaining legal TVU operators who serve a vital role in HI's economy.

HB-538-HD-1

Submitted on: 2/27/2023 4:46:37 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chaney Padaca	Individual	Oppose	Written Testimony Only

Comments:

I opposed Bill HB538 because it is giving the building department over extended authority to search and enter a private property without a warrant. This is a violation of homeowners' constitutional rights under the 4th Amendment.

HB-538-HD-1

Submitted on: 2/27/2023 5:09:38 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Penny Lee	Individual	Oppose	Written Testimony Only

Comments:

The Honolulu administration and DPP already feel more and more like a Mafia organization. Taking bribes, abusing powers.. So now this bill suggests giving planning departments the right to enter your private house and raise minimum fines of \$1000/day and then quickly after 5 days file liens on your property and move to foreclose on your house? For ANY even minor violation? To even suggest such a bill is outrageous. This is trampling on people's property ownership rights and the United States Constitution.

Let's remember who introduced this bill and vote them out of office:

MATAYOSHI, BELATTI, HASHIMOTO, HOLT, KILA, KITAGAWA, LAMOSAO, MARTEN, NISHIMOTO, TAKENOUCI, TARNAS, Chun

HB-538-HD-1

Submitted on: 2/27/2023 6:29:23 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lois Crozer	Individual	Oppose	Written Testimony Only

Comments:

This bill is totally absurd!! What do you mean "within the agency's timetable"? Also, you are suggesting \$1k a day for infractinos, and a lien can be put on at \$5k!!? That's 5 days later! What if the person is out of town, sick, or their computer is broken? I mean how will they get the notice? Are you telling me the DPP will be doing this with all the corruption in that office? They have fines on other infractions that go on for YEARS and don't do anything about it but yet you want them to act in 5 days over a vacation rental!? This has got to stop. The war on drugs didn't work, stop this war on vacation rentals and figure out a way to work together for the good of everyone! Stop with these ridiculous bills already. It's totally unconstitutional and just plain stupid. You will drag the C&C and State into expensive legal bills (we all pay for this stupidity) and nothing will change but just make people fight with their neighbors and against the government.

HB-538-HD-1

Submitted on: 2/27/2023 8:36:15 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Meetay Moonay	Individual	Oppose	Written Testimony Only

Comments:

Please no. Are we in Nazi Germany?

HB-538-HD-1

Submitted on: 2/27/2023 10:52:02 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle Yao	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB538 HD1. This bill does not specify what constitutes "zoning violations". Thus giving ppl only 30 days to remedy a notice of violation is not reasonable. For example, if someone gets a notice of violation for making some windows alteration, or having an unpermitted shed on the property, does that fall under "zoning violations" as defined in this bill? Honolulu DPP is severely understaffed and permit backlog is almost 12 months. How do you expect citizens to remedy the notice of violation when it takes one year to get the proper permit in these instances?

Thus I think the bill needs some work to clearly define what type of zoning violations it intends to address. Mahalo.

HB-538-HD-1

Submitted on: 2/27/2023 11:41:56 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Margaret L H Aurand	Individual	Oppose	Written Testimony Only

Comments:

I'm a member of a specifically targeted group of law-abiding citizens, many kupuna, who, if allowed the right to earn a living enshrined in the pursuit of happiness language in our Declaration of Independence, would bring over a billion dollars into Oahu's economy every year without harming hotel profits. Bill 538 promises to deprive us of our 4th amendment constitutional rights. We struggling short term rental operators ask why the interests of Hawaii's hotel industry, the profits of which do not all remain in Hawaii's economy, are so important that our City Council, and now our state legislators, are trying to kill us. We don't compete with hotels. Who is dreaming up these crazy bills? Made from a substance found on the bottom of the stall of a bull, they are ideal for unconstitutionality lawsuits. We would bring more lawsuits if we could. The problem is that, in the United States of America, it's a case of how much justice you can afford.

HB-538-HD-1

Submitted on: 2/28/2023 1:21:29 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sandy Ragley	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB538.

It takes over 365 days to get a permit from DPP, yet a homeowner is expected to correct a discrepancy in 30 days or face a DPP fine of \$1,000/day and possibly have DPP foreclosure proceedings begin within 35 days? That doesn't even pass the reality or common-sense test!

Disproportionate Punishment: The power to sell properties to pay off fines could lead to disproportionate punishment for minor infractions, resulting in property owners losing their homes or businesses while criminal and other types of violations do not result in loss of property.

These are clear violations of the 4th Amendment: unreasonable search and seizure and 8th Amendment: excessive fines imposed, nor cruel and unusual punishments inflicted.

Violation of Property Rights: The bill allows the state and counties to place liens on private properties for unpaid fines resulting from land use law violations, regardless of whether the property owner committed the violation or not. This infringes upon property rights.

Will HB538 have a multi-step process in place to require inspectors to speak with homeowners first and give options before citing them with an NOV?

Availability of Alternative Solutions: There may be alternative solutions available to address violations of land use laws, such as fines that do not involve liens or property sales. These options should be explored before resorting to measures that could have significant negative consequences.

Will there be a process to clearly document and report Inspectors who refuse to write NOV's for "favored" homeowners?

Potential for Abuse of Power: The power to sell properties to pay off fines raises concerns about the potential for abuse of power, particularly if government officials use their authority to target particular individuals or communities for punitive measures.

Unclear Criteria for Liens and Sales: The bill lacks clear criteria for placing liens on properties or selling them to pay off fines. This could result in arbitrary and unfair enforcement.

Current NOV's do not give a clear process on how to remedy if you disagree, the inspectors are not licensed engineers and don't always get it right.

Lack of Appeal Process: The bill does not provide clear guidelines for how property owners can appeal the imposition of liens or the sale of their properties, making it difficult to challenge unfair or erroneous decisions.

Be careful what you wish for...If HB835 is passed, residents/voters WILL hold DPP and their inspectors accountable to enforce EVERY violation on EVERY homeowner, including fines- no matter how big or small the violation or what their "connections" may be to DPP or City Counsel Members or families.

Thank you for your time.