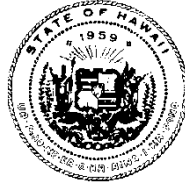


JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LT. GOVERNOR



DEAN MINAKAMI  
EXECUTIVE DIRECTOR

## STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
677 QUEEN STREET, SUITE 300  
HONOLULU, HAWAII 96813  
FAX: (808) 587-0600

### Statement of DEAN MINAKAMI

Hawaii Housing Finance and Development Corporation  
Before the

### HOUSE COMMITTEE ON HOUSING AND HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 15, 2024 at 10:30 a.m.  
State Capitol, Room 325

In consideration of  
H.B. 2358

### RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

HHFDC **strongly supports** HB 2358, which expands the criteria that make affordable housing projects eligible for exemption from environmental assessments to include qualified projects within the state agricultural district located on up to 15 acres of land.

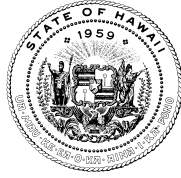
There is a substantial need for affordable housing throughout the State of Hawaii. Lengthy regulatory and entitlement processes delay and add unnecessary costs to the development of affordable housing projects, often making them unfeasible. This bill streamlines the regulatory process for qualified affordable housing projects.

HHFDC will work with the Office of Planning and Sustainable Development, Environmental Review Program to implement this measure.

Thank you for the opportunity to testify.

JOSH GREEN, M.D.  
GOVERNOR  
STATE OF HAWAII  
*Ke Kia'āina o ka Moku'āina 'o  
Hawaii*

SYLVIA J. LUKE  
LT. GOVERNOR  
STATE OF HAWAII  
*Ka Hope Kia'āina o ka Moku'āina  
'o Hawaii*



KALI WATSON  
CHAIRMAN, HHC  
*Ka Luna Ho'okele*

KATIE L. DUCATT  
DEPUTY TO THE CHAIRMAN  
*Ka Hope Luna Ho'okele*

**STATE OF HAWAII**  
**DEPARTMENT OF HAWAIIAN HOME LANDS**  
*Ka 'Oihana 'Āina Ho'opulapula Hawaii'i*

P. O. BOX 1879  
HONOLULU, HAWAII 96805

TESTIMONY OF KALI WATSON, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEFORE THE HOUSE COMMITTEE ON HOUSING AND  
THE HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION  
HEARING ON FEBRUARY 15, 2024 AT 10:30AM IN CR 325

**HB 2358, RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

February 15, 2024

Aloha Chairs Evslin and Lowen, Vice Chairs Aiu and Cochran, and Members of the Committees:

The Department of Hawaiian Home Lands (DHHL) supports this bill, which would add a new section to Chapter 343, Hawaii Revised Statutes, that would exempt certain affordable housing projects from the requirements of the chapter.

DHHL intends to develop affordable housing projects that fit within the definition provided in this measure. DHHL appreciates the intent of this bill because it will help to streamline processes for the development, planning, permitting, and construction of all new affordable housing projects produced by the state and counties.

Thank you for your consideration of our testimony.

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**DEXTER KISHIDA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON  
HOUSING AND ENERGY, AND ENVIRONMENTAL PROTECTION**

**THURSDAY, FEBRUARY 15, 2024  
10:30 AM  
CONFERENCE ROOM 325**

**HOUSE BILL NO. 2358  
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

Chairs Evslin and Lowen, Vice Chairs Aiu and Cochran and Members of the  
Committees:

Thank you for the opportunity to testify on House Bill 2358 that codifies the  
exemption from environmental impact statements for affordable housing projects that  
meet certain criteria. The Department offers comments and an amendment.

The Department recognizes the critical need for affordable housing throughout  
the State. The Department also recognizes the State's priority to achieve local food  
self-sufficiency. We are concerned that this measure as written does not account for  
the considerations already in place to protect Hawaii's prime agricultural lands. At  
minimum, to reduce the likelihood that the provision of affordable housing as described  
in this measure does not result in injudicious urbanization of Hawaii's most productive  
agricultural lands, we offer the following amendment:

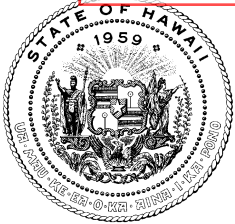
(page 1, line 4 to page 2, line 3 – new language is bold and double-underscored)



"§343- **Certain affordable housing developments; exemption; qualifications.** (a) Notwithstanding any requirements of this chapter to the contrary, the construction of a new affordable housing project that:

- (1) Is subject to this chapter due solely to its proposing a use of state or county lands or funds or a use within the Waikiki special district;
- (2) Is located within the state urban land use district, or is located in the state agricultural land use district and is no larger than fifteen acres in size, is contiguous with a parcel that has a state urban land use district classification, and is not designated as important agricultural lands **and not where the soil is classified by the land study bureau's detailed land classification as overall (master) productivity class A or B;** and
- (3) Does not require a variance for a shoreline setback and is not located in an environmentally sensitive area, shall be exempt from the requirements of this chapter."

Thank you for the opportunity to present our testimony.



# STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,  
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII  
235 SOUTH BERETANIA STREET, SUITE 702, HONOLULU, HI 96813

Phone: (808) 586-4185  
Email: [dbedt.opsd.erp@doh.hawaii.gov](mailto:dbedt.opsd.erp@doh.hawaii.gov)

Testimony of the Environmental Advisory Council on HB 2358  
Before the House Committee on Housing and  
the House Committees on Housing and Energy & Environmental Protection  
Conference Room 325 & Videoconference  
February 15, 2024 at 10:30 am

Josh Green, M.D.  
Governor

Chairperson  
Puananionaona Thoene

Vice Chair  
Mary Begier

Members  
Stephanie Dunbar-Co  
Dawn Hegger-Nordblom  
Makaala Kaaumoana  
Ian Robin Kaye  
Theresita Kinnaman  
Michele Lefebvre  
Rachel Sprague  
Michael Tulang

Aloha Chair Evslyn, 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) 2358 on behalf of the EAC.

HB 2358 would amend Hawai'i Revised Statutes (HRS) Chapter 343 to do the following:

1. Exempt affordable housing development projects from HRS Chapter 343 review; and
2. Establish a definition of the term "environmentally sensitive area" in HRS Chapter 343.

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 the promulgation of Hawai'i Administrative Rules (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 urges the Legislature to balance these 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 (c)(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 1 of the bill has the potential to vastly expand the existing exemption by amending HAR § 11-200.1-15(c)(10)(B) to include affordable housing projects developed on lands in the State Land Use (SLU) Agricultural District if (a) the land area is no larger than fifteen (15) acres, and (b) the land is contiguous with a parcel already in the SLU Urban District. The bill also does not include the provision in HAR § 11-200.1-15(c)(10)(C) to require that the proposed project be consistent with existing county zoning that allows housing, so the exemption proposed in the bill would conflict with the exemption in the rules.

The addition of allowing an exemption for affordable housing projects in areas in the SLU Agricultural district that are contiguous with areas that are in the SLU Urban district raises a the question about whether this language is the proper mechanism to provide more affordable housing opportunities. The EAC is aware that there are lands designated within the SLU Agricultural District that may not be suitable for agricultural uses or that would be more appropriately classified in the Urban or Rural districts, particularly for those Agricultural lands that are contiguous to existing Urban lands. General policy considerations should lean toward looking first to increasing density in the already urban areas (to locate populations near transit and infrastructure, and to minimize traffic impacts to the extent possible), and if there truly is a lack of developable urban land, then the State should complete a comprehensive review of the district boundaries to reclassify lands into more appropriate designations. Allowing the increasing list of exemptions in the Agricultural District leads to confusion for the public and in some cases can be contrary to the goals of the district, leading to opposition of otherwise good projects simply because something is being allowed in the Agricultural District.

A final comment is that the bill could potentially be interpreted to not require the exempt affordable housing projects to follow the exemption determination and notice process set forth in HAR 11-200.1. The bill states that projects that qualify for the exemption "shall be *exempt from the requirements of this chapter.*" [emphasis added]. The EAC concurs with the recommendation made by the Office of Planning and Sustainable Development in its written testimony on SB 3047, the companion bill to this bill, which proposes to revise the above language on page 2, line 4 of the bill to read "shall be considered as a general type of action eligible for exemption pursuant to HAR Section 11-200.1-15."

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.

Thank you for the opportunity to testify on this measure.

Puananionaona Thoene  
Chair  
Environmental Advisory Council

Robin Kaye  
Chair  
EAC Legislative Committee



February 13, 2024

Representative Stanley Chang, Chair  
Representative Troy Hashimoto, Vice Chair  
Committee on Housing

Representative Nicole Lowen, Chair  
Representative Elle Cochran, Vice Chair  
Committee on Energy & Environmental Protection

RE: **HB 2358– RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**  
**Hearing date – February 15, 2024 at 10:30 AM**

Aloha Chair Chang, Chair Gabbard, and members of the committees,

Thank you for allowing NAIOP Hawaii to submit testimony in **SUPPORT OF HB 2358– RELATING TO ENVIRONMENTAL IMPACT STATEMENTS (EIS)**. NAIOP Hawaii is the Hawaii chapter of the nation’s leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders, and other professionals. NAIOP Hawaii is generally supportive of efforts to incentivize sustainability and promote the development of more affordable housing.

HB 2358 expressly codifies the exemption from environmental impact statements for affordable housing projects that meet certain criteria. Specifically, the exemption is narrowly tailored to affordable housing projects that:

1. Trigger review due to use of state or county lands or use within the Waikiki special district;
2. Is located within a state urban district or agricultural district that is no larger than 15 acres; and
3. Does not require a variance for a shoreline setback or is not located in an environmentally sensitive area.

NAIOP Hawaii is supportive of creative housing solutions to address Hawaii’s housing shortage. Hawaii is currently facing housing crisis with the need for more affordable homes for residents reaching an all-time high. We support this measure which attempts to strike a reasonable balance between environmental concerns and the pressing need for more affordable housing. We completely understand the importance of EIS’s, however, we support



Representative Stanley Chang, Chair  
Representative Nicole Lowen, Chair  
February 13, 2024  
Page 2

the need for expedited regulatory reviews that enable the development of much needed affordable housing.

Ultimately, Hawaii residents need housing units to be produced to allow our local families to continue to thrive here. NAIOP Hawaii supports HB 2358 which will advance the production of homes for our residents. Thank you for the opportunity to testify on this measure.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Reyn Tanaka', with a long horizontal stroke extending to the right.

Reyn Tanaka, President  
NAIOP Hawaii

▪ February 13, 2024

The Honorable Luke A. Evslin, Chair  
The Honorable Micah P.K. Aiu, Vice Chair  
and Members of the House Committee on Housing

The Honorable Nicole E. Lowen, Chair  
The Honorable Elle Cochran, Vice Chair  
and Members of the House Committee on Energy & Environmental Protection

Re: Testimony – HB 2358, Relating to Environmental Impact Statements  
Hearing: February 15, 2024 at 10:30 AM  
Conference Room 325

Dear Chair Evslin, Chair Lowen, Vice Chair Aiu, Vice Chair Cochran, and Committee Members:

Stanford Carr Development (SCD) is writing to **support** HB 2358 that proposes to codify the exemption from environmental impact statements for certain affordable housing projects.

The codification will align with HRS §201H-38 that allows for exemption from HRS Chapter 343 Environmental Impact Statements when affordable housing projects are located outside of an “environmentally sensitive area.”

The 2005 Regular Session of the Twenty-Third Legislature enacted Act 196 whereby section 35 established a joint legislative housing and homeless task force to further identify solutions to Hawaii’s affordable housing problem. Recommendations of the task force included a need to “streamline government approvals and permitting of affordable housing projects.” We appreciate the continued effort to simplify government approvals of affordable housing projects.

Thank you for the opportunity to offer comments on this measure.

Respectfully,



Stanford S. Carr



# SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON HOUSING

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 15, 2024

10:30 AM

CR325

In **OPPOSITION** to **HB2358**: Relating to Environmental Impact Statements

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Aloha Chairs Evslin and Lowen, Vice Chairs Aiu and Cochran, and Members of the Committees,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES HB2358**, 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.

**The Sierra Club emphasizes that an exemption from our environmental review law as proposed by this measure may result in significant, unnecessary, and irreversible impacts to a range of public interests in the use and development of our limited 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.

**This measure also goes far, far beyond its described intent to "codify" existing regulatory exemptions from our environmental review law.** Unlike existing rules, which provide for a categorical exemption of certain affordable housing projects in the urban land use district, this measure would exempt from environmental review the development of agricultural lands – lands that have a much higher likelihood of containing cultural sites, native species habitat, food production potential, and other environmental and cultural features, and that may also contain residual and highly toxic pesticides, heavy metals, and other contaminants from agricultural and adjacent urban uses. Current law would ensure that such features and threats, as well as possible mitigation measures, are appropriately assessed during the project planning process.



# SIERRA CLUB OF HAWAI'I

**Moreover, this measure would allow for projects to be excused from any environmental review, regardless of the potential for significant impacts, including impacts that may be significant due to the particularly sensitive nature of the project site in question.** Current rules recognize the need to conduct an environmental review – with the attendant public notice and consideration of alternatives – when projects that may otherwise be categorically exempt nonetheless run the risk of having a significant environmental impact, such as to sensitive cultural features or sites, critical habitat for endangered species, or public health.

Finally, this measure would deprive the public of the current opportunity to inform government and project decisionmakers whether there may be impacts or environmental features that project developers are not aware of. The current categorical exemption rules, including those concerning the development of affordable housing, generally provide for some form of public notice, whether through a decisionmaking body's public approval of a categorical exemption pursuant to the Sunshine Law, or via publication in the Environmental Notice. Projects under this measure could proceed with no public notice or input until plans are completed and in the process of being implemented, running the risk of unanticipated significant impacts as well as substantial and costly community conflict or controversy, due to the lack of knowledge on the part of project developers and government decisionmakers.

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,<sup>1</sup> 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** HB2358. Thank you very much for this opportunity to testify.

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<sup>1</sup> See HAW. CONST. ART. XI SEC. 1.



**HAWAII STATE HOUSE OF REPRESENTATIVES  
COMMITTEES ON HOUSING; AND ENERGY & ENVIRONMENTAL PROTECTION  
Conference Room 325 & Videoconference  
State Capitol  
10:30 AM**

February 15, 2024

Subject: HB 2358 - RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Chairs Evslyn and Lowen, Vice-Chairs Aiu and Cochran, and members of the Committees:

My name is Max Lindsey, Government Relations Committee Chair of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

HB 2358 proposes to codify the exemption from environmental impact statements for affordable housing projects that meet certain criteria.

BIA-Hawaii is in **support** of HB 2358, as it exempts affordable housing projects within the state urban land use district or up to fifteen acres of land in the state agricultural land use district from current environmental assessment (EA) requirements.

Exempting affordable housing projects from the EIA/EIS process would save these much-needed projects both time and money. These exemptions appear to be limited to areas already disturbed and not likely to impact sensitive areas. These types of exemptions could incentivize more investment into the development of affordable housing across the state. Given our current housing crisis, these "little steps" could help move us in the right direction.

We appreciate the opportunity to provide our comments on this matter.

**HB-2358**

Submitted on: 2/13/2024 10:04:51 AM

Testimony for HSG on 2/15/2024 10:30:00 AM

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

Comments:

I am testifying on behalf of myself, a Hawai‘i resident, in **opposition** to HB2358 as it overly-broadens the exemptions allowed for affordable housing at the cost of public insight into the potential environmental impacts as would be provided by our Environmental Assessment (EA) laws.

This bill is somewhat misleading. It's phrased as "Codifies the exemption" which makes it sound like the exemptions that currently exist in HAR 11.200.1-15(c)(10) would be "codified" directly in HRS 343 with this law.

However, there are a few major differences:

1. If moved here, the EA process would not trigger at all. Which is different from starting the EA process, and then determining that a project is eligible for exemption. As outlined in HAR 11.200.1-14, before approving an exemption, the “agency shall assess the significance of the potential impacts of the action to determine the level of environmental review necessary”. Without an EA trigger, the potential impacts are never even considered.
2. This exemption is lacking the "zoning that allows housing" clause. This opens up all preservation zones (parks, cemeteries, golf courses, vacant green space, etc.), all business/commercial zones, and all industrial zones in the state urban district. The phrasing of this new law also exempts (smaller plots of) state agriculture lands that are next to the urban district.

I truly don’t believe that it’s in the public’s best interest to have their visibility and input into these projects reduced through increasing the scope of these exemptions, even if the target development alleges to provide as critical a current need as affordable housing. Once our environment is forsaken, all is already lost.

On the contrary, I believe that we actually need to **strengthen** our environmental protection laws in light of the extreme exemptions allowed through 201H-38. Many of these recent and upcoming 201H projects are dwarfing their surrounding communities, often more than five (5) times denser and more than ten (10) times bigger and taller than neighboring properties. Any change that drastic should require at least an EA by default.

Thank you for your consideration,  
Seth Kamemoto



**HB-2358**

Submitted on: 2/13/2024 10:45:07 AM

Testimony for HSG on 2/15/2024 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keoni Shizuma	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I stand in opposition to HB2358.

This measure would completely exempt certain projects and actions, including the development of certain agricultural lands, from any environmental review which is what I stand in opposition of. Environmental review helps to protect not only the future users of the project, but also the community, the environment, and the resources for future generations. Current rules already allow for a categorical exemption to environmental review for certain "affordable" housing projects on urban lands, and this exemption was carefully developed after close consideration of public interests. However, this measure would instead allow undeveloped agricultural lands to be developed without any environmental review, regardless of the severity of potential environmental, cultural, and socioeconomic impacts and threats to the public's interest. Exempting projects on this type of land from environmental review could be devastating to our environment and our resources. For these reasons, and for my love for the environment and protecting our resources for future generations, I stand in opposition to HB2358.

Mahalo for your time and consideration.

Keoni Shizuma



**HB-2358**

Submitted on: 2/13/2024 10:53:33 AM

Testimony for HSG on 2/15/2024 10:30:00 AM

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

Comments:

Dear Legislators,

I urge you to oppose HB2358. This bill, along with its companion SB3047, removes important environmental and cultural safeguards. It is not merely a codification of existing exemptions. The environmental review process—both the Environmental Assessment and the more stringent Environmental Impact Statement—are important tools in preserving our natural environment and culture. Given the issues with Red Hill and the tragic wildfires on Maui, the importance of preserving our natural environment should be clear.

This bill only requires a small number of sensitive areas, such as tsunami zones, to undergo environmental review before affordable housing can be built there. Currently, in order to be exempt from the environmental review process, the land at issue has to **already be zoned for housing**, not simply in the urban land use district. This bill would change that. It would allow **preservation** and **conservation** zoned land to be converted to housing without triggering any cultural or environmental review. I believe that this is a grave omission in the bill and threatens our natural and cultural resources.

Please, preserve our natural environment and our cultural sites for future generations. Oppose HB2358 and SB3047.

--Janyce Mitchell

**HB-2358**

Submitted on: 2/13/2024 11:05:00 AM

Testimony for HSG on 2/15/2024 10:30:00 AM

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

Comments:

Aloha, I'm 64 years old and ever since graduating from college and when our tourism industry went from under a million to over 10 million visitors per year in 2019. The local people have had to compete with the rest of the world for a piece of paradise. The need for affordable housing is not new and the fact is that Hawaii will never be as affordable as the mainland. Even more so with the recent increase in interest rates from the low 2% to now 8% for home mortgages. Many are speaking that the mainland is heading into a recession and a housing crash which could experience a 40-50% drop in a bubbled up housing market. More locals and more of our young will flee to the mainland and it is unavoidable. We are destroying the whole purpose of Land Use Ordinances and building code laws that for my whole life have been consistent and been in place for the protection of the community. The triggers and Environmental Assessment for large projects and projects that it is clear will impact the community in a negative way should not be exempt. We should not attach HAR 11.200.1-15 to HRS 201H-38. An recent example of harm done is the Pahoa Ridge Project which is to be built near the Waialae H-1 West Bound Freeway onramp. Typically, with the current combined LUO laws, it would be impractical to build to the maximum allowed height of 150'. The maximum buildable area, the maximum Floor Area Ratios, the setbacks, and the building envelope would most likely result in a 4-5 story apartment building. Instead, the developer using HRS 201H-38 received a determination from HHFDC that an EA was not needed under HAR 11.200.1-15 and we believe it was improperly applied when there is significant impacts due to the granted exemptions to the LUO. The building is built outside the building envelope, the building is 210' and 60' above the maximum allowed, the density is 5 times the allowable, the building footprint consumes 85% of the parcel and the remaining 15% is mostly concrete driveway. The structure was exempt from setbacks and the 210' building will be 5'9" away from a wooden single-family residential home which will be on the property line. The Pahoa Ridge Project is dwarfed by the HRS 201H-38 Kuulei Place which was granted similar exemptions and went completely under the radar, did not even give a presentation to the Neighborhood Boards, was granted an exemption to go 400' in an area with a maximum 150' height limit. The developers by including a element of affordable which for most is not truly affordable and being allowed to get out of the normal exemptions to line their pockets. These kind of LUO exemptions were intended to be limited to Transit Orientated Development Special Districts. The City and County of Honolulu in their Primary Urban Center Development Plan for TOD districts spent \$1.5 billion to put in the needed infrastructure for sewer, water, storm drainage and parks specifically for work force and affordable housing. Instead, most of this infrastructure benefitted the market and luxury units. Kakaako and Ala Moana where there is TOD is where we need to focus these exemptions. Already, copycat projects outside of the TOD areas with outrageous LUO

exemptions are being proposed like the Kukalahale Place across of Punahou School, Kamoiliili Apartments next to Centra Union Church to be built on properties a little over 20,000 SF and with densities several times the allowed, heights that will dwarf the neighboring apartments, and setback exemptions adding 150 plus units in an area that would otherwise require a 100,000 SF. All this at the expense of the community and in the name of affordable housing. No one is against building affordable housing but please stay within the currently LUO unless the project is within the TOD special districts. I oppose HB2358. Mahalo, Dave Watase 808.728.0759

**HB-2358**

Submitted on: 2/13/2024 11:16:11 AM

Testimony for HSG on 2/15/2024 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jolyn Okimoto	Individual	Oppose	Written Testimony Only

Comments:

Aloha Representatives,

My name is Jolyn Okimoto and I am a long-time resident of Honolulu, testifying as an individual. I am writing to OPPOSE HB2358.

While it is important to build more affordable housing, such projects should not receive more exemptions of environmental assessment (EA) requirements. Proposed affordable housing projects should continue to be subject to EA requirements so that if built, new residents are SAFE living there. The need for affordable homes must not override considerations of the environment in which they are placed.

For comparison, on the federal side, last November, data was released by the National Low Income Housing Coalition and the Public and Affordable Housing Research Corporation showing that nearly a quarter of federally assisted homes are located in areas with the greatest risk of negative impacts from natural hazards. This data uses the Federal Emergency Management Agency’s National Risk Index. The circumstances are different, but the message is the same: The environment must be considered, via the full EA process, to build safe affordable housing.

**I ask you to OPPOSE HB2358.** Thank you for your time and consideration.

Aloha, Jolyn Okimoto

**HB-2358**

Submitted on: 2/13/2024 12:37:26 PM

Testimony for HSG on 2/15/2024 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Suzanne Kim	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

Our quality of living in Hawaii goes hand in hand with our unique environment. Allowing Affordable Housing developers to be exempt from an environmental review only benefits the developer.

These developments could cause significant environmental issues for people currently living in communities where affordable housing is being built and also for future generations. Removing the requirement allows a developer to build without the environmental consciousness that HRS 343 requires. It will also remove the public from being able to participate in an environmental review process which is not good for our society as a whole.

The need for affordable housing has been around for decades. Corners should not be cut just to "rush" building housing that might be in some way detrimental to our communities and future generations.

**HB-2358**

Submitted on: 2/14/2024 5:34:53 AM

Testimony for HSG on 2/15/2024 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brett Kurashige	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill, as it removes important long-standing guardrails that prevent unfettered development in the State of Hawaii.

1. Under this bill, the Hawaii State Environmental Assessment/Review process would not trigger at all for eligible development projects, instead of having to start/complete the EA/ER process, and only then determining that a project is eligible for exemption. Without an EA/ER trigger, the potential environmental impacts on the community are never even considered for eligible development projects.

2. This bill's language is lacking the "zoning that allows housing" clause. This bill, as written, opens up ALL Preservation-zoned areas (parks, cemeteries, golf courses, vacant green space, etc.), ALL business/commercial zones, and ALL industrial zones in the state urban district for unfettered development. The phrasing of this new law also exempts (smaller plots of) state agriculture lands that are next to the urban district.

Please put a HOLD on HB 2358. Mahalo!

**HB-2358**

Submitted on: 2/14/2024 10:33:59 AM

Testimony for HSG on 2/15/2024 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Regina Gregory	Individual	Oppose	Written Testimony Only

Comments:

1. The term "affordable" is often misused.
2. The Governor has said there are 75,000 illegal short-term rentals; they can more than cover the imagined demand for new housing.
3. Environmental impacts need to be mitigated.

**HB-2358**

Submitted on: 2/14/2024 10:33:59 AM

Testimony for HSG on 2/15/2024 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Regina Gregory	Individual	Oppose	Written Testimony Only

Comments:

1. The term "affordable" is often misused.
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