



LAND USE COMMISSION

Komikina Ho'ohana 'Āina

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai wai a Ho'omāka'ika'i

JOSH GREEN, MD
GOVERNOR

DANIEL E. ORODENKER
EXECUTIVE OFFICER

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February 8, 2024

Statement of
Daniel E. Orodenker
Executive Officer
State Land Use Commission

Before the
Senate Committees on Water and Land
and
Housing
Thursday February 8, 2024
1:01 PM
State Capitol, Room 225 and Video Conference

In consideration of
SB 2804
RELATING TO HOUSING

Chairs Inouye and Chang; Vice Chairs Elefante and Hashimoto; and members of the Senate Committees on Water and Land, and Housing:

The Land Use Commission (LUC) has the following comments on SB2804 which provides that for an elderly housing project up to 15 acres that meets certain requirements on State Agricultural lands; a landowner would have the option of either petitioning for a reclassification or would allow such a project as a permissible use on these agricultural lands.

Currently under HRS 205, such projects are allowed to petition for reclassification for lands up to 15 acres with the individual counties, without the LUC's involvement. We do have concerns that allowing an option for such urban developments in the State Agricultural District as permissible uses will have unforeseen consequences.

Thank you for the opportunity to testify on this matter.

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

BEFORE THE SENATE COMMITTEES ON WATER AND LAND AND HOUSING

**THURSDAY, FEBRUARY 8, 2024
1:01 PM
CONFERENCE ROOM 225**

**SENATE BILL NO. 2804
RELATING TO HOUSING**

Chairs Inouye and Chang, Vice Chairs Elefante and Hashimoto and Members of the
Committees:

Thank you for the opportunity to testify on Senate Bill 2804 that creates a new section in Chapter 205 specific to elderly housing, authorizes landowners of 30 or more acres of contiguous agricultural land to petition the Land Use Commission for up to 15 acres of that land for development of elderly housing for purchase or rent. Of the occupied units to be built, 80 percent must be occupied by at least one person 55 years of age or older. The Department of Agriculture (Department) offers comments.

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. SB2804 states that "relaxing construction restrictions in the agricultural district will help to encourage the development of affordable senior housing". We note



that the counties already have the authority to consider land use district boundary reclassifications for land areas 15 acres or less. Section 205-3.1 is a long-standing and deliberative process that may be suited to consider affordable senior housing as described in SB 2804.

If SB 2804 is preferred, the Department is concerned that it does not inadvertently cause the creation of spot-zones of urban uses within agricultural lands or lead to other adverse consequences that cause agricultural land values to rise and become unaffordable or unavailable for agricultural production.

Thank you for the opportunity to present our testimony.



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February 8, 2024

HEARING BEFORE THE
SENATE COMMITTEE ON WATER AND LAND
SENATE COMMITTEE ON HOUSING

TESTIMONY ON SB 2804
RELATING TO HOUSING

Conference Room 229 & Videoconference
1:00 PM

Aloha Chairs Inouye and Chang, Vice-Chairs Elefante and Hashimoto, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau respectfully opposes SB 2804, which authorizes large land owners to petition the Land Use Commission to allow the development of elderly housing on portions of agricultural lands.

Hawai'i Farm Bureau has serious concerns about this measure; allowing residential developments to be interspersed with farming operations often causes problems that can result in the failure of farms. This should not be allowed. Because of the pandemic, everyone better understands now the importance of agriculture in our isolated and vulnerable state. We must protect agricultural lands from well-known threats and avoid simplistic solutions to Hawai'i's housing problems.

HFB recognizes and supports the need for affordable housing, especially for our Kūpuna. However, the urgency to address Hawai'i's need for affordable housing should not be allowed to eliminate Hawai'i's use of productive agricultural land.

Thank you for your consideration of our concerns.

Feb. 8, 2024, 1:01 p.m.
Hawaii State Capitol
Conference Room 225 and Videoconference

To: Senate Committee on Housing

Sen. Stanley Chang, Chair
Sen. Troy N. Hashimoto, Vice-Chair

Senate Committee on Water and Land

Sen. Lorraine R. Inouye, Chair
Sen. Brandon J.C. Elefante, Vice-Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: COMMENTS IN SUPPORT OF SB2804 — RELATING TO HOUSING

Aloha Chairs Chang and Inouye, Vice-Chairs Hashimoto and Elefante and Committee Members,

The Grassroot Institute of Hawaii would like to offer its support for [SB2804](#), which would let landowners with 30 or more acres of contiguous agricultural land directly petition the state Land Use Commission to allow housing for the elderly on up to 15 acres of that land.

The state's housing shortage necessitates that the state and counties take an all-of-the-above approach to land-use and zoning reform to allow more homebuilding.

SB2804 would not lessen the authority of the LUC to regulate agricultural lands, but it would streamline the approval process for companies and nonprofits seeking to build affordable housing for the elderly.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



Hawaii's Thousand Friends

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February 8, 2024

SENATE COMMITTEE ON WATER AND LAND

Senator Lorraine Inouye, Chair
Senator Brandon Elefante, Vice Chair
Committee Members

SENATE COMMITTEE ON HOUSING

Senator Stanley Chang, Chair
Senator Troy Hashimoto, Vice Chair
Committee Members

SB 2804 RELATING TO HOUSING

Hawaii's Thousand Friends is a statewide non-profit water and land use planning organization dedicated to protecting the environment, human health, and cultural and natural resources. **We oppose SB 2804.**

This bill is unnecessary because district boundary amendments for agricultural lands up to 15 acres are delegated to the counties, as defined in HRS 205-3.1. The LUC is not the proper venue here.

We are amazed by the broad definition of "elderly housing" in paragraph (e). If the purpose of the bill is to provide elderly housing, then 100 percent of the proposed housing units should be reserved for elders, and the minimum age for residents should be at least 60 or 65 years of age.

The proper venue for up to 15 acres is the county, and they have well established definitions for elderly residents. This bill should be deferred.

SB-2804

Submitted on: 2/4/2024 4:28:47 PM

Testimony for WTL on 2/8/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathleen M. Pahinui	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs Inouye and Chang and Committee Members:

I oppose SB 2804 for the following reasons:

- Many large land owners with ag lands, will generally not be near water, roads, electricity and other necessary infrastructure. This will cost money to put in, who will bear the cost? How will that make the housing affordable for seniors.
- This will affect our food security. Great to have housing but how will we eat. We already import 90% of our food and have about 4 days of food in our stores.
- Housing is needed but not on ag lands. This is a way for speculators to use property for development and not for food.

I encourage TOD housing and infill in Honolulu proper.

Mahalo for your time and consideration.

Kathleen M. Pahinui

Waialua Resident, North Shore, Oahu

SB-2804

Submitted on: 2/4/2024 8:49:44 PM

Testimony for WTL on 2/8/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Oppose	Written Testimony Only

Comments:

oppose SB2804, there needs to be better guidelines for this type of bill, it should be for 100% seniors and 100% affordable to be given this type of preferential allowance on ag lands