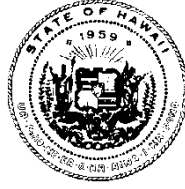


**JOSH GREEN, M.D.**  
GOVERNOR

**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**

February 12, 2025 at 9:00 a.m.  
State Capitol, Room 430

In consideration of  
**H.B. 826**  
**RELATING TO HOUSING.**

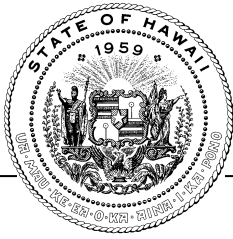
Chair Evslin, Vice Chair Miyake, and members of the Committee.

HHFDC **supports** HB 826, which authorizes a county planning commission, by special permit, to permit land uses exclusively providing residential housing for long-term rental or affordable fee simple ownership in an agricultural district, under certain conditions. Repeals 6/30/2035.

This bill allows residential projects up to 100 acres in the agricultural district, without having to go through the redistricting process. Since the bill applies only to land study bureau C, D, E, or U rated lands which often have marginal agricultural productivity, this would make the best use of those lands and expedite the delivery of more affordable housing.

We advise that it would be helpful for the bill to have a definition of “workforce housing” and “long-term rental”. Alternatively, this information could be added to the committee report and we will include it in administrative rules.

Thank you for the opportunity to testify on this bill.



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

**JOSH GREEN, M.D.**  
GOVERNOR

**SYLVIA LUKE**  
LT. GOVERNOR

**MARY ALICE EVANS**  
INTERIM DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <https://planning.hawaii.gov/>

Statement of  
**MARY ALICE EVANS, Director**

before the  
**HOUSE COMMITTEE ON HOUSING**  
Wednesday, February 12, 2025  
9:00 AM  
State Capitol, Conference Room 430

in consideration of  
**HB 826**  
**RELATING TO HOUSING.**

Chair Evslin, Vice Chair Miyake, and Members of the Committee.

The Office of Planning and Sustainable Development (OPSD) offers **comments with concerns** related to HB 826, which authorizes the county planning commissions, by special permit, to allow residential housing for long-term rental or workforce fee simple ownership in the State Agricultural District, under certain conditions.

OPSD believes a special permit is not the appropriate mechanism for permitting permanent uses in a State Land Use District that are inconsistent with the purpose and objectives of the underlying district. Under Hawai'i Revised Statutes (HRS) § 205-6, special permits are intended to provide landowners relief in exceptional situations for an "unusual and reasonable use" otherwise not allowed in that district and only when the use would promote the effectiveness and objectives of HRS Chapter 205, the State Land Use Law. Residential development in the State Agricultural District via a special permit conflicts with the purpose of the State Agricultural District and could cloud the permit as a non-conforming use with respect to State land use classification and County zoning.

Rather, OPSD strongly recommends the establishment of a county plan-based district boundary amendment process that enables the redistricting of lands in conformance with adopted county general, development, and community plans. This would avoid the potential complications associated with use of the special permit for de facto boundary amendments and ensure that consideration is given to infrastructure needed to support residential development in these yet-to-be-urbanized areas.

Additionally, special permits with land areas greater than fifteen acres, or for lands designated as important agricultural lands, are subject to approval by the Land Use Commission pursuant to HRS § 205--6. The language in the bill does not resolve this conflict in authority.

Thank you for the opportunity to testify on this measure.



# 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

235 S. Beretania Street, RM 406, Honolulu, Hawai'i 96813

Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Email Address: dbedt.luc.web@hawaii.gov

Telephone: (808) 587-3822

Fax: (808) 587-3827

Website: luc.hawaii.gov

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

Before the  
**House Committee on Housing**

Wednesday February 12, 2025  
9:00 AM  
State Capitol, Room 430 and Video Conference

In consideration of  
**HB826**

**RELATING TO HOUSING**

Chair Evslin; Vice Chair Miyake; and members of the House Committee on Housing:

The proposed measure amends Hawai'i Revised Statutes ("HRS") 201-H and authorizes a county planning commission to permit residential housing development in the State Agricultural District using a State Special Permit ("SP") process and contested case process pursuant to HRS section 91-9, under certain conditions. Those conditions include: a project is 100 acres or less; a project is immediately adjacent to the State Urban District and does not include State Conservation District lands; the lands are classified C, D, E, or U by Land Study Bureau if in the State Agricultural District; and, the area needs to be identified for only residential in a county General Plan ("GP") within 20 years of a permit application. In addition, written concurrence from the Executive Director of the Hawai'i Housing Finance and Development Corporation ("HHFDC") is required attesting that the project is solely inclusive of residential housing for long-term rental or workforce fee simple ownership.

The Land Use Commission ("LUC") at its meeting held on February 5-6, 2025, discussed and has taken a position to support the intent of the measure to facilitate workforce housing; but defers to LUC professional staff to identify and address concerns with the measure.

The measure appears to limit the extent of HHFDC review to only attesting that a proposed project is intended for long-term rental or fee-simple residential housing. Under this measure a county planning commission is directed to review applications using the State SP (HRS section 205-6) process that does

not take into account compliance with State Plan objectives and policies pursuant to HRS 226 or impacts to areas of State concern and the Public Trust pursuant to HRS section 205-17(3). In addition, there are likely due process issues if HRS 205-4 is not adhered to. LUC staff suggests that applications should be reviewed by the counties pursuant to the process set forth in HRS section 205-4(h) in order to address these issues.

The measure appears to allow for projects that are not currently identified for residential on an adopted county comprehensive GP but would allow them to seek a GP amendment within 20 years of filing an application. LUC staff suggests removing the language in proposed subsection (4) on line 4, page 2 of the measure so that only projects that have already been vetted and secured county GP adoption be allowed.

The measure provides for approval of projects up to 100 acres in size. LUC staff suggests reducing the acreage to a maximum of 40 acres that was previously identified as being more acceptable to a broad spectrum of stakeholders under a previous attempt to loosen land use reclassification procedures.

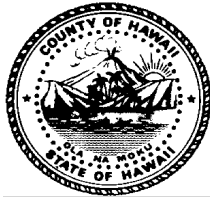
The measure proposes to allow urban residential development within the State Agricultural District through a county-approved SP process and bypassing a district boundary reclassification. This could result in non-conforming developments in the State Agricultural District. There would be permissible agricultural uses that counties would be limited in restricting that are not compatible with urban residential development.

Thank you for the opportunity to testify on this matter.



*Ashley L. Kierkiewicz*  
*County Council District IV*

*Chair – Policy Committee on Planning,  
Land Use & Economic Development*



(808) 961-8265  
*ashley.kierkiewicz@hawaiiicounty.gov*

*Vice-Chair – Policy Committee on  
Public Works & Mass Transit*

## **HAWAI'I COUNTY COUNCIL**

25 Aupuni Street • Hilo, Hawai'i 96720

February 10, 2025

### **Support for HB826**

#### **House Committee on Housing**

Rep. Luke Evslin, Chair

Rep. Tyson Miyake, Vice-Chair

Aloha, Chair Evslin, Vice-Chair Miyake, and Honorable Members of the Committee on Housing:

Mahalo for the opportunity to testify in **strong support for HB 826**, relating to housing.

HB 826 is a creative and necessary approach to accelerating the development of housing opportunities. This bill authorizes a county planning commission, through a special permit, to allow land uses that exclusively provide residential housing for long-term rental or affordable fee simple ownership in an agricultural district, under specific conditions.

Housing affordability remains a pressing issue across Hawai'i, and innovative solutions like HB 826 are critical to addressing this long-standing crisis. By allowing for the development of affordable housing in agricultural districts through a structured and thoughtful process, this bill ensures that land use policies are adaptable to the evolving needs of our communities while maintaining responsible land stewardship.

I strongly urge the passage of HB 826 to create more housing opportunities and to support local families in achieving stable and affordable homeownership or rental options. Mahalo.

Cheers,

A handwritten signature in black ink, appearing to read "Ashley Kierkiewicz".

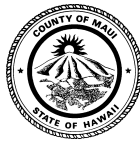
Ashley Lehualani Kierkiewicz  
COUNCIL MEMBER, DISTRICT IV  
HAWAI'I COUNTY

Council Chair  
Alice L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Tom Cook  
Gabe Johnson  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Nohelani U'u-Hodgins



Director of Council Services  
David M. Raatz, Jr., Esq.

Deputy Director of Council Services  
Richelle K. Kawasaki, Esq.

## COUNTY COUNCIL

COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

February 11, 2025

TO: Honorable Luke A. Evslin, Chair, and  
Members of the House Committee on  
Housing

FROM: Nohelani U'u-Hodgins  
Councilmember

A handwritten signature in cursive script that reads "Nohelani U'u-Hodgins".

**SUBJECT: TESTIMONY IN SUPPORT OF HB 826, RELATING TO  
HOUSING**

DATE: Wednesday, February 12, 2025  
9:00 a.m., Conference Room 430

Thank you for the opportunity to testify in support of HB826, which seeks to cut through the red tape that often delays the development of much-needed housing in our communities. This bill provides counties with the autonomy and flexibility to address our affordable housing crisis by streamlining the entitlement process for workforce and long-term rental housing in designated areas.

Maui County, like the rest of the state, is facing an unprecedented housing crisis. Families are being forced to leave, local workers struggle to find stable housing, and our economy suffers when essential workers cannot afford to live where they work. The current permitting and entitlement process is burdensome, adding years to development timelines and driving up costs, making it nearly impossible to deliver truly affordable homes.

HB826 takes a proactive approach by allowing county planning commissions to approve workforce housing projects on lands already designated for residential use in county plans. This eliminates unnecessary state-level hurdles while maintaining environmental protections and local control over land use decisions.

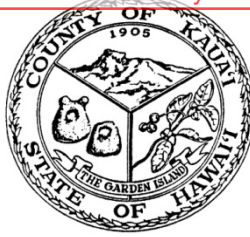
This bill is a step in the right direction toward ensuring that the people of Hawaii—especially our workforce and future generations—can afford to stay in the communities they call home. I urge you to support HB826 and help empower counties to move forward with solutions that prioritize local families and sustainable growth.

Mahalo for your time and consideration. I look forward to working together on policies that create real, lasting housing solutions for our communities.



**COUNTY COUNCIL**

Mel Rapozo, Chair  
KipuKai Kualii, Vice Chair  
Addison Bulosan  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Fern Holland  
Arryl Kaneshiro



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
Email: cokcouncil@kauai.gov

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

February 11, 2025

**TESTIMONY OF ARRYL KANESHIRO**  
**COUNCILMEMBER, KAUAI COUNTY COUNCIL**  
**ON**  
**HB 826, RELATING TO HOUSING**  
House Committee on Housing  
Wednesday, February 12, 2025  
9:00 a.m.  
Conference Room 430  
Via Videoconference

Dear Chair Evslin and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 826, Relating to Housing. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

HB 826 seeks to authorize county planning commissions to permit land uses exclusively for long-term rental or workforce fee simple housing in agricultural districts under specific conditions.

Hawai'i continues to face a housing crisis, with a shortage of affordable housing options for local families and workers. By allowing the development of long-term rental and workforce housing on appropriately designated lands, this bill provides an opportunity to increase housing availability while ensuring responsible land use planning. The safeguards outlined in HB 826, such as size limitations, adjacency to urban districts, and soil classifications, help strike a balance between development and agricultural preservation.

This measure is a step in the right direction toward addressing Hawai'i's housing challenges and providing much-needed homes for residents. I respectfully urge the Committee to pass HB 826.

Thank you again for this opportunity to provide testimony in support of HB 826. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

**ARRAYL KANESHIRO**  
Councilmember, Kaua'i County Council

AAO:dmc

Feb. 12, 2025, 9 a.m.  
Hawaii State Capitol  
Conference Room 430 and Videoconference

**To: House Committee on Housing**  
**Rep. Luke Evslin, Chair**  
**Rep. Tyson Miyake, Vice-Chair**

**From: Grassroot Institute of Hawaii**  
**Ted Kefalas, Director of Strategic Campaigns**

RE: HB826 — RELATING TO HOUSING

Aloha Chair Evslin, Vice-Chair Miyake and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [HB826](#), which would allow Hawaii's county planning commissions to approve certain long-term rental or for-sale workforce housing on lands in the rural or agricultural land-use districts.

County planning commissions would be allowed to use this alternate approval process as long as the project is no larger than 100 acres; on land immediately adjacent to the urban district; on land with a soil productivity ratings lower of C or lower, if the lands are in the agricultural district; and on land identified for residential use by the county general plan.

The Hawaii Department of Business, Economic Development and Tourism pointed out in a March 2024 report that Hawaii needs an average of 3,297 new housing units per year to satisfy demand between 2025 and 2035.<sup>1</sup> And as the Hawaii Housing Finance and Development Corp. pointed out in a report to the 2025 Legislature: "The availability and suitability of land for residential development is a critical factor affecting housing production and affordability in Hawaii."<sup>2</sup>

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<sup>1</sup> "[Hawai'i Housing Demand: 2025-2035](#)," Research and Economic Analysis Division of the Hawaii Department of Business, Economic Development and Tourism, March 2024, p. 2.

<sup>2</sup> "[Analysis of Systemic Barriers to Housing Production in Hawaii](#)," Hawaii Housing Finance and Development Corp., December 2024, p. 1.

HHFDC recommended, “streamlining the State Land Use law such that areas designated as ‘urban’ in county general and development plans are automatically included in the ‘urban’ state land use district, eliminating the need for LUC approval. This would simplify the process of reclassifying land for urban use, reduce regulatory duplication, and increase the supply of land available for housing development.”<sup>3</sup>

This targeted carve out for lands adjacent to already suburban or urban areas would give the counties an important tool in reducing Hawaii’s housing shortage.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

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<sup>3</sup> Ibid, p. 2.



# SIERRA CLUB OF HAWAI'I

## HOUSE COMMITTEE ON HOUSING

February 12, 2025

9:00 AM

Conference Room 430

### Offering **COMMENTS** on **HB826**: Relating to Housing

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Aloha Chair Evslin, Vice Chair Miyake, and Members of the Housing Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i offers the following **COMMENTS AND CONCERNS on HB826**, which would authorize counties to develop and issue special permits for residential development on up to 100 acres of non-urban lands at a time.

The Sierra Club appreciates provisions in this measure that affirm the need to ensure sufficient due process under the HRS Chapter 91 contested case hearing statute for farmers, cultural practitioners, affordable housing advocates, and other stakeholders, who may be significantly impacted by the contemplated substantial land use changes; **however, the Sierra Club does have concerns regarding the county planning commissions' lack of capacity and experience to apply this process in balancing housing development with other critical public interests, rights, and needs.**

For example, the state Land Use Commission (LUC) has, for decades, played a key role in identifying and mitigating impacts to natural and cultural resources, Native Hawaiian traditional and customary rights, food security, affordable housing at all income levels, and other public interests that may be affected by large scale land use changes. The LUC does this through its review and approval of certain district boundary amendment petitions to urbanize agricultural, rural, and conservation lands, and certain special permit applications to engage in otherwise unauthorized uses in the agricultural and rural districts, among other actions. **Unlike current county practice, the LUC uses a "quasi-judicial" contested case hearing process to fulfill its responsibilities, allowing for expert and kama'āina testimony to be presented and witnesses cross examined, and rendering findings of fact, conclusions of law, and conditions of approval to carefully consider and protect public rights and interests, explicitly based on the evidence presented.** This allows for a careful, transparent, objective, and well-informed assessment of ways to maximize the benefits, and minimize the unintended and potentially irreversible impacts, of proposed land use changes. **Notably, the LUC has been able to consistently execute its responsibilities while meeting the expedited 45 day timeline for district boundary amendments involving affordable housing projects.**

This measure would instead allow for urban residential uses on up to 100 acres of non-urban lands at a time to be allowed via special permit, tasking the county planning commissions with the contested case hearing process normally carried out by the LUC.

While the Sierra Club appreciates this measure's recognition of the contested case hearing mechanism, the counties' lack of experience, institutional knowledge, and narrower priorities may nonetheless lead to oversights and missed opportunities to advance the public interest, especially when considering developments by large and politically powerful landowners seeking to develop up to 100 acres at a time. **For example, county planning commissions primarily focused on issues relating to the built environment may not have an adequate understanding of the scope and range of potentially impacted Native Hawaiian rights; traditional and sustainable agricultural practices that often use lands not classed as "A" or "B" lands (classifications based on sugar and pineapple production potential, not diversified agriculture or local food cultivation); watershed protection; job creation and job credits; state goals and planning objectives; and other primarily state-level concerns.** This lack of county familiarity and understanding, when applied to massive, 100-acre residential development proposals, may lead to oversights, conflicts, and irreparable impacts to our food security, water security, cultural integrity, economic and housing opportunities for those most in need, and the overall quality of life of multiple future generations.

The Sierra Club therefore respectfully recommends that the Committee consider carefully examining whether and to what extent this measure would provide any overall benefits to the well-established land use processes that currently exist, and which have already resulted in the approval of tens of thousands of housing units by the LUC that still have not been developed.<sup>1</sup>

Mahalo nui for the opportunity to testify.

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<sup>1</sup> Since 1980, more than 25% of all the housing authorized by the LUC has not yet been built, much of which was proposed to be affordable and workforce housing. For example, recent data indicates that on O'ahu alone, 23,000 units approved by the LUC have not been constructed; this includes Ho'opili (DR Horton), Koa Ridge (Castle & Cooke), Gentry Waiawa (now owned by Kamehameha Schools), and Royal Kunia Phase II. Authorizing the LUC to enforce the full implementation of approved development proposals in a timely manner; examining other downstream causes of delays and their causes; and addressing the global market dynamics and speculative industries that have resulted in a proliferation of unoccupied investment properties and short-term vacation rentals; may all provide much greater benefits to our housing needs than the current proposal.



### Opposition for HB826

Aloha e Representatives, Chair, Vice Chair:

We are testifying on behalf of Locals In My Backyard (LIMBY) Hawai‘i. LIMBY Hawai‘i is a hui of concerned kama‘āina and kānaka working to help develop solutions to our state’s housing crisis.

We are concerned that NIMBYism has driven up costs and driven our friends and families out by opposing all development. We are equally concerned that the apparent answer to this, YIMBYism, insists that anything resembling true affordability is impossible so instead they promote building housing that gets bought by overseas investors. ***We know we won’t solve our housing woes without building more, but we won’t solve them by simply building more.***

The true solution is to create a housing market for locals: one that houses locals first, is tied to local wages, and is managed in trust. We detail real solutions to our housing woes on our website and through our newsletter.

The future for kama‘āina and kānaka will be LIMBY or Las Vegas.

This bill does nothing to keep locals here. Instead it legitimizes the sort of gentleman farms that have caused agricultural land prices in Hawaii to skyrocket. While living near the farm is a missing piece of our agricultural landscape, this bill does not address the need of farmers to live on or near the farm.

It will only result in more “gentleman farms” priced in the millions. Exactly the sort of gated, exclusive communities we do not need. I urge all of you to vote no.

Makana Hicks-Goo,  
Organizer on behalf of LIMBY Hawaii

Kathleen M. Pahinui  
[Pahinuik001@hawaii.rr.com](mailto:Pahinuik001@hawaii.rr.com)

Saturday, February 8, 2025

COMMITTEE ON HOUSING Rep. Luke A. Evslin, Chair

Re: Testimony on HB 826 RELATING TO AGRICULTURAL TOURISM

Aloha Chair Evslin and Committee Members:

I oppose HB 826 and its purpose allowing housing on agricultural land.

We claim to support food security but here is another bill that takes away agricultural land for other purposes. Even though the ag land is specified as not high grade, ask any rancher or farmer and they will tell you, they can make it work. You can build more than 100 houses on 100 acres. This is a whole new community and less food to feed them.

We are one major disaster away from starvation.

Please support agriculture. Please help us reach our food security goals.

Mālama ʻāina,

*Kathleen M. Pahinui*

Kathleen M. Pahinui  
Resident, Waialua, North Shore, Oʻahu

**HB-826**

Submitted on: 2/11/2025 5:52:35 PM

Testimony for HSG on 2/12/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Adele Balderston	Individual	Oppose	Written Testimony Only

Comments:

Aloha Committe Members,

I strongly oppose this bill because it does not define "affordable." Affordable to whom? Those earning below 80% AMI? 60%? None of the state's efforts to construct so-called "affordable" housing seem concerned with the income groups with the highest need--ALICE households and those most immintently at risk of becoming unsheltered.

Instead of trying to build housing on fallow ag land, why isn't the state trying to grow food? Stop giving developers handouts--feed Hawai'i's people first.

Mahalo for considering my comments.



**HB-826**

Submitted on: 2/11/2025 8:19:00 PM

Testimony for HSG on 2/12/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joshua Uyehara	Individual	Support	Written Testimony Only

Comments:

Dear Chair Evslin, Vice Chair Miyake, and members of the committee,

Thank you for the opportunity to provide this testimony in strong support of HB826, which I am submitting here in my capacity as a private citizen with extensive experience in areas related to agriculture, including experience with land use policy issues in Hawai'i.

Given the magnitude of the housing crisis, I would encourage the committee to consider the following amendments:

1. Increasing the area in (1) to greater than 100 acres. This will encourage landowners to make transparent the full scope of their plans and intentions up front for consideration by all stakeholders rather than proceeding in increments within the cap.
2. Expand 3 to include LSB class B, or to change the criteria to "not IAL". While I appreciate and believe I understand the intent of (3), based on my experience, LSB productivity ratings are not accurately reflective of the practicable agricultural productivity potential of ag lands, so the criteria should be broadened or an alternative indicator such as IAL designation would be better suited.
3. Broaden (4) to include all other uses given that they are already required to be part of an adopted general plan.

In general, and beyond just the specific cases currently contemplated in the current draft of the bill, I think it is also important to consider strongly encouraging and broadening the ability for state and county agencies to have a singular forum for resolving rights and conditions for a project for both the public and applicants.

Thank you again for the opportunity to provide this testimony for your consideration.

Joshua Uyehara