

**BILL044(23)**  
**Testimony**

**MISC. COMM. 391**

EXECUTIVE MATTERS AND LEGAL AFFAIRS (EMLA)

**EXECUTIVE MATTERS AND LEGAL AFFAIRS (EMLA)  
Meeting**

Meeting Date: Jul 25, 2023 @ 01:00 PM

Support: 49

Oppose: 1

I wish to comment: 5

Name: Barbara DeBaryshe	Email: debaryshe@gmail.com	Zip: 96816
Representing: Self	Position: I wish to comment	Submitted: Jul 20, 2023 @ 10:04 PM
<p>Testimony:</p> <p>Aloha Council Members,</p> <p>I STRONGLY SUPPORT the intention behind Bill 44, namely to provide for meaningful sanctions that can end the proliferation of monster homes in our county.</p> <p>My own neighborhood has been negatively affected by monster homes, and my heart sinks each time I see a new one as a travel around the island. I am acutely aware of our need for affordable housing. However, mini-apartments and boarding houses are not an effective or thoughtful response to our housing crisis. Monster homes increase neighborhood noise and congestion, tax infrastructure, and add to urban super-heating. DPP and other City and County agencies need effective ways to disincentivize those who violate building or occupancy codes for the end of squeezing more floor space and more profit out of each residential lot. Current consequences, such as triple fines are barely a slap on the wrist in comparison.</p> <p>However, I also understand there is opposition to this bill as written. I trust that the Council will listen carefully to the negative testimony and revise this bill to pinpoint the unacceptable and deceptive behavior of concern and avoid punishing those who make minor and honest mistakes.</p> <p>May I also suggest that policy (whether covered by this bill or via a more appropriate mechanism) matches sanctions to the severity of the offense. In particular, this could include revoking the licenses of building contractors, architects, or third-party permit reviewers with a history of repeated violations, denying the issuance of new permits to property owners with a similar history, and requiring improper construction to be redone or even removed.</p>		
Name: Heidi Bertucci	Email: heidi.bertucci@gmail.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Jul 20, 2023 @ 10:14 PM
<p>Testimony:</p> <p>Monster homes are ruining our neighborhoods and don't belong here. No Single Family Home needs 7+ bedrooms or 7+ bathrooms.</p> <p>They are built with bad quality, get set up as multi family homes/condos once they permits close and don't even offer enough parking for all their tenants.</p> <p>This has to stop!</p>		
Name: Sharon Rahe	Email: sharonrahe@gmail.com	Zip: 96817
Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 05:52 AM
<p>Testimony:</p> <p>Yes, please prosecute and put the monster home developers in prison and fine them as penalties for falsifying documents . I have two huge monster homes across the street from my house and all along Hala drive . It's ridiculous , eye sore and no parking in my neighborhood. Already my neighborhood has no sidewalks , now there is so many cars parked in front of my house , people have to walk on the roads. You should also pass a law to tear down all these monster homes already built for falsifying records .</p> <p>Mahalo Sharon Rahe</p>		
Name: Missy Maii	Email: lelemissy@mac.com	Zip: 96825
Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 07:12 AM
<p>Testimony:</p>		

Enough is enough. This has been going on for years. It is time to stop the liars now. They do not care about this aina or its people. They only care about profit. It is time to put a stop once and for all to these developers, builders and 3rd party planners that lie about what they are building.

Name: Mark Phillipson	Email: reelrelaxed@gmail.com	Zip: 96815
--------------------------	---------------------------------	---------------

Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 07:54 AM
-----------------------	----------------------	---------------------------------------

Testimony:  
NO MORE MONSTER HOMES, no more nodding and winking or just plain lies from those who build them. DPP should be able to prevent them. Give them the tools needed to do so.  
Mahalo

Name: Noela Vin Wiegandt	Email: nowlavonw@yahoo.com	Zip: 96815
-----------------------------	-------------------------------	---------------

Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 12:38 PM
-----------------------	----------------------	---------------------------------------

Testimony:  
Aloha,  
This is a very good bill. The monster home developers will try anything to get these awful structures built. We have been fighting these for years. I suggest that you list the fines and time in jail they will get if they even think twice about lying to the public servants. Put some really strong "shark teeth", in the rules to them. And finally do not let anyone of these rotten developers get away with lying even once with warnings. We know they do not care. Also, get all the fines they owe up to date and do not let them submit anymore plans until their accumulated fines are paid up in full. We have given them too much ease in the past. We the People are simply saying enough is enough and the City Council has been patient enough for years. Time has come, were push comes to shove. Thank you very much.  
Noela von Wiegandt

Name: Willis Yap	Email: yap.willis@gmail.com	Zip: 96816
---------------------	--------------------------------	---------------

Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 01:18 PM
-----------------------	----------------------	---------------------------------------

Testimony:  
I support Bill 44 as it attempts to protect our residential neighborhood here in Kaimuki (I live at 934 8th Avenue, Honolulu, HI 96816) from the further deterioration due to structures that are incompatible with our single family residences. These structures are commonly known as "monster homes" as they feature multiple living units while claiming to be just common residences that should be just for one or two families but instead will house many occupants. These structures are more like apartment buildings so don't belong in areas that are zoned for single family residences. Not only are they visually incompatible but their occupants use our residential streets for parking as the structures do not have enough parking for their use. They also have little or no yards but instead use cement causing runoffs and increasing the temperatures around their buildings. The buildings also are so large as to take up almost all the space up to the property lot lines so they overwhelm their next door neighbors' sight lines and views. I support whatever legal means necessary to block these structures. Aloha.

Name: Mark Bogart	Email: bogartmh@yahoo.com	Zip: 96822
----------------------	------------------------------	---------------

Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 03:40 PM
-----------------------	----------------------	---------------------------------------

Testimony:  
Executive Matters and Legal Affairs Committee,  
Chairperson Tyler Dos Santos-Tam and Members,  
  
I am writing in support of Bill 44 (2023). The proliferation of "monster homes" is a blight on our residential areas that needs to be stopped. Please vote in support of this bill.  
  
Thank you.

Name: Eric Wong	Email: kamheights@gmail.com	Zip: 96817
Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 05:17 PM
<p>Testimony:</p> <p>Aloha - I am supporting Bill 44 in efforts to stop illegal activities, greed, corruptions in our community. I hope you would agree that falsifying statements allows illegal activities to be part of our community, NO MORE!</p> <p>Mahalo, Eric SS Wong</p>		
Name: Jeremy Lamb	Email: drjlam@aol.com	Zip: 95822
Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 05:18 PM
<p>Testimony:</p> <p>7/21/23</p> <p>Executive Matters and Legal Affairs Committee, Chairperson Tyler Dos Santos-Tam and Members,</p> <p>It was 2018 when many of us first came to city hall to testify against monster homes. Many of Honolulu's older neighborhoods (of which I live in Manoa) were becoming dotted with these unsightly projects. City laws were ineffective in fending off this ugly trend. As you know, monster homes brought a slew of potential problems, ranging from overburdened neighborhood parking, stressed infrastructure like water main breaks, cementing from property line to property line, increasing the runoff during rainstorms, adding noise from tenants who did not know one another and more.</p> <p>We supported Bill 79-18 that limited floor area, allowed the City to inspect the properties, and set limits on bedrooms and wet bars. We added the requirement that a new single family home would have to have 25% of its land area permeable. I recall an 18 bedroom house in Kalihi (described in the permitted paperwork as a two story, single family dwelling with a wet bar) was allowed to be constructed. DPP has never to my knowledge ever required demolition of monster homes (which were illegal) after they were built.</p> <p>The Council in its wisdom, agreed with us, that our LUO ordinance allows one and two family detached dwellings in residential areas like Manoa. Neighborhoods should never have to put up with massive multi family structures that belong in apartment zones. City laws also limits property owners to housing no more than 5 unrelated people on a property. And it lets no more than three unrelated people if the owner's own family lives on the property. This will maintain a neighborhood sense of character.</p> <p>Our Manoa Branch of the Outdoor Circle feels the 25% permeability requirement should prevent soil erosion, water runoff and make room for trees and other green growing things. With climate change, cooling shade and diminishing glare are common sense. Despite our improved laws, monster homes remain popping up everywhere on our island.</p> <p>The purpose of the land use ordinance is to regulate land use in a manner that will encourage orderly development in accordance with adopted land use policies. This includes the Oahu General Plan which is written to "promote and protect public health, safety and welfare by minimizing adverse effects resulting in the inappropriate location, use or design of sites and structures --- and by conserving the city's natural historic and scenic resources and encouraging design which enhances the physical form of the city." Now that Bill 79 is in force, we need Bill 44-23 to deal with the developers and corrupt third party officials who are obviously being bribed to approved illegal structures. People who knowingly break the law should suffer severe consequences. Bill 44 will certainly help to save our neighborhoods! Please pass Bill 44 CD2!</p> <p>Thank you!</p> <p>With warm regards, Jeremy Lam, M.D. 2230 Kamehameha Avenue Honolulu 95822</p>		

Name: Lisa Marten	Email: Repmarten@capitol.hawaii.gov	Zip: 96734
Representing: Hawaii State House District 51	Position: Support	Submitted: Jul 21, 2023 @ 05:24 PM
Name: TOM DIGRAZIA	Email: digrazia001@gmail.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 07:55 PM
Testimony: Unless there is a better alternative Bill 044 may be the only way to stop the proliferation of monster harms.		
Name: Teresa Parsons	Email: Tapaka53@aol.com	Zip: 96744-5417
Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 09:10 PM
Testimony: I stand in strong support of this measure. For too long, developers have run rampant and need to be reigned in. The classic "bait and switch" is destroying residential communities across Oahu. They must be held accountable for lying on their building permit applications.  I am completing renovations on my property, and the DPP personnel were sticklers for accurate details. I would never consider deviating from the permitted plans. If someone lies on their application, the penalties should be the same as lying to an officer of the court.  Please support passage of Bill 44 and hold developers accountable.  Thank you for considering my testimony		
Name: Jayme Peterson	Email: jpeterson@hawaiiantel.net	Zip: 96822
Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 09:28 PM
Testimony: I have family who live in the areas where Monster Homes have proliferated - Kaimuki, Halawa, Kapalama. I live in the College Hills area of Manoa, where two of these monstrosities appeared before we were aware of what was occurring (and FYI, the building permits for these two 'homes' was approved by one of the DPP individuals who was indicted).  These homes are sickening sights and a sad commentary on the failure of the C&C to strictly adhere and monitor building ordinances, nor the actions of their personnel and unscrupulous third party reviewers.  The lies, corruption and side-stepping of rules and regulations by those solely guided by greed - especially carpet-bagger builders who contend they are benevolently solving the housing shortage - needs to be stopped.  All parties involved should be held accountable for their egregious behavior and actions that diminish our communities and neighborhoods.  Bill 44-23 puts them all on notice. PASS IT !!  J.PETERSON Manoa		
Name: Noela Von Wiegandt	Email: noelavonw@yahoo.com	Zip: 96815

Representing: Self	Position: Support	Submitted: Jul 22, 2023 @ 08:08 AM
<p>Testimony:</p> <p>Aloha,</p> <p>We have been fighting these awful structures for years, so thank you for Bill 44, I strongly recommend that you also add to this bill, or make a new bill attachment to demand payment of unpaid fines these developers have blatantly ignored paying up, and let these bad guys and gals know that the gig is up and that the DPP won't even consider looking at any new plans from these dishonest liars until the fines are paid in full, no more pussyfooting around. And let them also know that they will go to jail for not following the rules, let them see some "shark teeth in this bill and enforcement of Bill 44. Push has come to shove after years of ignoring the rules and regulations all these developers have committed. Let's go City Council, we can do this!</p> <p>Sincerely,</p> <p>Noela von Wiegandt</p>		
Name: Jacqueline Wah	Email: wah.jackie@gmail.com	Zip: 96839
Representing: Self	Position: Support	Submitted: Jul 22, 2023 @ 10:03 AM
<p>Testimony:</p> <p>I am in FAVOR of Bill 44-23</p> <p>I was gratified when prior bills passed to stop the building of monster homes. These "homes" destroy the character of our single-family neighborhoods. Not only do they look unsightly with their size which is very disproportionate to the surrounding homes, they cause undue stress to the infrastructure, create parking problems, cause the loss of more permeable surfaces because these "homes" are built to take advantage of the maximum size allowed which often meant buildings that cover lots almost to their entirety and concrete covering as much of the property as allowed. More importantly, they degrade the quality of the surrounding community, something we should be protecting as life gets more intense and the environmental effects of climate change become more apparent.</p> <p>It is unfortunate that the bills already put in place were not enough to stop the building of monster homes. It is clear that more laws and severe penalties need to be implemented to prevent the property owners or developers of these properties from flagrantly skirt the laws.</p> <p>The only way to stop these illegal practices is to institute heavy fines and jail time for these property owners or developers, and anyone invested with governmental oversight to approve these permits. Anything less (like light fines) will just be considered a slap on the wrist and the cost of doing business and will do nothing to curb this illegal practice.</p> <p>Please pass Bill 44-23 to penalize those who continue to find ways to illegally build monster homes. It is obvious they have a total disregard for the laws put in place and have seemingly found those willing to be paid off to approve these structures. If the penalties are not high enough this problem will continue to proliferate. Please hold these property owners and developers and tainted third-party officials be held accountable for their actions!</p> <p>Thank you,</p> <p>Jacqueline Wah</p>		
Name: Tai Crouch	Email: taiwikamau@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Jul 22, 2023 @ 10:55 AM
<p>Testimony:</p> <p>Aloha,</p> <p>I wish to support Bill 44. I feel it is extremely necessary to punish realtors, developers, contractors that are involved in the building of illegal homes. The planning and permit section should thoroughly check to ensure that the homes being built are as required. Fines should be levied against contractors realtors developers involved in the schemes. Those with multiple infractions should be heavily fined and given at least 12 months in prison. Hopefully that will deter most of the illegal monster homes that are planned. I know of one monster house in Kaimuki that served as a dormitory for Chinese workers that I suspect are in the country illegally</p>		

working on projects such as these. This is another workaround in terms of getting projects done by bringing in illegal workers from China or Mexico. I have seen workers living in unfinished houses while they were doing the construction and after questioning them finding that they are from Mexico. This house was built in Manoa.

When multiple lots or purchased, and are adjacent to each other diligence needs to be taken by the permitting section. Jail time needs to be given to members of the planning and permitting section if they are willing to accept bribes to pass along the plans for these monster homes.

Mahalo  
Tai Crouch

Name: David Kimo Frankel	Email: davidkimofrankel@hawaiiantel.net	Zip: 96816
Representing: Self	Position: Support	Submitted: Jul 22, 2023 @ 12:51 PM

Testimony:  
I support Bill 44, which would enhance protection of the character of our neighborhoods. The Council should consider expanding its scope to include statements made to officials who issue permits as well.

Name: Kathleen Sato	Email: katsat@hawaii.rr.com	Zip: 96816
Representing: Self	Position: I wish to comment	Submitted: Jul 22, 2023 @ 01:23 PM

Testimony:  
I am favor of Bill 44 because it is a good step in stopping notorious monster house builders. My neighborhood of Kaimuki has seen too many of these homes bulldozing its way in, flaunting its disregard of zoning laws. By financially pushing abusers, we can start putting an end to such unwelcome and uncaring neighbors. Thanks for your consideration.

Name: Keith Watanabe	Email: ampeep@yahoo.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Jul 22, 2023 @ 02:14 PM

Testimony:  
I support the bill that would punish monster home developers from lying to city officials. These developers have made it a habit of falsifying their building plans. They have done this in the past & in all likelihood will continue doing this in the future.

The proposed penalties should be increased, as the lying developers can make so much more money by being dishonest.

Name: Lynn Graybeal	Email: nlgraybeal@gmail.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Jul 22, 2023 @ 10:39 PM

Testimony:  
Pass Bill 44. Monster houses are not a legitimate or desired strategy for addressing our housing shortage. Failure to hold contractors accountable for flagrant zoning and permit violations further undermines citizens' already diminished confidence in the political will of government agencies and legislators to act in accordance with the spirit and letter of the law and for the public good.

Name: Mitch Werth	Email: mitch.werth@gmail.com	Zip: 96795
Representing: Self	Position: Support	Submitted: Jul 22, 2023 @ 11:29 PM

Testimony:  
Supporting Bill 44 to maintain the integrity of this Waimanalo residential community by restricting monster homes because they are tantamount to apartment type buildings, as well as other commercial type buildings creeping in.

Name:	Email:	Zip:
-------	--------	------



Samantha Pearson	samacolada@gmail.com	96734-1970
Representing: Self	Position: Support	Submitted: Jul 23, 2023 @ 02:04 AM
<p>Testimony:</p> <p>For a homeowner, the process of obtaining a building permit is long and arduous. I believe it would benefit the community greatly if it were easier and more timely to apply for and receive a permit to beautify your home. I understand that the building and permits entity is short staffed and unable to review all permit applications in a timely way. This bill would provide an opportunity to show contractors and developers that they need not waste the time of government employees, that everyone must be honest in their applications, and if developers try to lie to government employees, the developers will be subject to penalties that may fund an expanded office that could be more successful and meet the needs of their honest constituents. I believe this bill would also lighten the work load of government employees and make the process smoother for home owners and contractors because developer applicant false statements would be considered illegal and developers would be less likely to submit false claims and waste the time of permit department employees.</p>		
Name: David Randell	Email: randell001@hawaii.rr.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Jul 23, 2023 @ 07:40 AM
<p>Testimony:</p> <p>Monster homes are a blight in ANY community on our island. There should be strong penalties to stop these projects.</p>		
Name: Robert Fox	Email: rfoxent@gmail.com	Zip: 90803
Representing: Self	Position: Support	Submitted: Jul 23, 2023 @ 09:49 AM
<p>Testimony:</p> <p>This ordinance is simple and direct. We passed regulations for all people in Honolulu to apply for a permit before they construct anything. This is because we didn't want inappropriate uses in the commercial areas nor inappropriate uses in the residential areas, etc. We expect that people will tell the truth when submitting an application. This bill addresses the problem regarding those scofflaws who decided they didn't need to tell the truth. So what are the consequences? If there is no penalty, then why would anyone tell the truth? Just wing it! But our system of government and the civilization we have depends upon people telling the truth. We have police, national guards, armies, etc. to enforce the laws when people do not follow them. Yes, one may lose some reputation by being caught in a lie, but if there is no punishment, why in the world would any greedy SOB tell the truth? Without this ordinance, we simply do not have the "teeth" in the DPP to make people conform to the rule of truth. We need to hold these greedy immoral people accountable and make it hurt in doing so.</p> <p>If we do not hold people accountable, then there is no incentive to be truthful at all. All the zoning laws in the world will mean absolutely nothing. And frankly, that is what this island is suffering from. HUIs from Mainland China and local corrupt and greedy folks have "Gamed" the system. They have corrupted our officials ( see all those who were caught by the FBI) and they have undercut any respect the population has for the DPP.</p> <p>If we are to restore confidence in our permitting and planning department and system, then this ordinance is necessary. If we bury our heads in the sand, then you might as well disband the DPP and declare a "Free For All".</p>		
Name: stephen Yuen	Email: stevey@g70.design	Zip: 96816
Representing: Self	Position: Support	Submitted: Jul 23, 2023 @ 09:54 AM
Name: Vanessa Distajo	Email: vanvanes@aol.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Jul 23, 2023 @ 11:13 AM
<p>Testimony:</p> <p>Aloha Chair, Vice Chair, and Council Members,</p>		

I am writing in support of Bill 44. Individuals should not be permitted to make false statements to City Officials. It is a sad state of affairs in our modern society that something so common sense needs to be formally enumerated in a City Ordinance. Upholding the truth is a critical element within a Democratic Republic because decisions by government must be made based on the facts at hand. If people knowingly give false statements to a City official, then it seems like they are committing a type of fraud in misleading the decision makers to act in their favor. For example, in the case of monster houses built in our single family zoned neighborhoods, developers who lie to DPP officials about the number of bathrooms and wet bars in their falsified plans or during inspections, are hurting their fellow neighbors and community by negatively impacting the shared resources and aging, insufficient infrastructure. Afterwards, problems often arise, such as sewer spills, limited street parking, and overcrowded neighborhoods that tax our emergency services. Thus, it is unfair for others to unjustly suffer due to the lies of an individual.

However, there is one portion of Bill 44 that I am concerned about. The second penalty mentioned of imprisonment for up to one year, seems especially harsh, so perhaps the statement could be amended to stipulate that imprisonment could be a penalty after more than one infraction. That way individuals who may mistakenly make a false statement to a City official at least have their right to liberty protected; whereas, repeat offenders who attempt to game the system may be more severely punished by the courts.

Thank you for your consideration.

Sincerely,  
Vanessa Distajo

Name: Susan Salm	Email: suzeandrod@hawaiiintel.net	Zip: 96734
Representing: Self	Position: Support	Submitted: Jul 23, 2023 @ 11:37 AM

Testimony:  
It is long past time to add teeth to any legislation regarding lying on permit forms for anything submitted to a government agency, but particularly for those building houses. What is the point of having legislation against monster houses without penalties for those who lie about their plans? Liars should be fined a substantial amount of money and perhaps be jailed, depending on how egregious the lie is.

Name: Mary Lou Kobayashi	Email: maryloukobayashi@gmail.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Jul 23, 2023 @ 02:29 PM

Testimony:  
Please pass Bill 44 (23) Relating to False Statements. This Bill will stop the owners of monster homes from making false statements about the number of rooms, size and use of the monster homes. It will keep monster homes out of our residential communities. Thank you.

Name: Kathy Shimata	Email: kshimata@hawaiiintel.net	Zip: 96822
Representing: Self	Position: Support	Submitted: Jul 23, 2023 @ 02:29 PM

Testimony:  
It appears that most monster homes are permitted due to falsified statements on the application. I believe that there should be consequences if falsified testimony results in an inappropriate building permit. This measure will provide proportionate consequences.  
Please support Bill044(23).

Name: James Moonier	Email: moon@alphacap.net	Zip: 96734
Representing: Self	Position: Support	Submitted: Jul 23, 2023 @ 02:35 PM

<p>Testimony: i am writing in support of this bill.</p>		
<p>Name: Jeannine Johnson</p>	<p>Email: jeannine@hawaii.rr.com</p>	<p>Zip: 96821</p>
<p>Representing: Self</p>	<p>Position: Support</p>	<p>Submitted: Jul 23, 2023 @ 02:46 PM</p>
<p>Testimony: My name is Jeannine Johnson and I have been the Secretary of the Niu Valley Community Association for over 15 years. I am also one of the Niu Valley representative on the Kuli'ou'ou / Kalani Iki Neighborhood Board and have been involved with the Neighborhood Board also for over 15 years. That's why I can confidently state that our communities are tired of the City allowing for too many abuses in our residential neighborhoods which is why monster homes and illegal vacation rentals have flourished and driven up property values and priced local families out. Vacation rentals, monster homes and monster motels have and will continue to have devastating effects in our communities, especially the gentrification that spreads like a cancer.</p> <p>That's why we need Bill 44. Those who build illegal monster homes and run illegal vacation rentals lie to investigators, inspectors and their communities about their businesses. We can't keep letting this happen. We must make those that lie to city officials suffer penalties. My suggestion is to make the fine fit the crime. For a developer building a multimillion dollar illegal monster home or vacation rental, a \$2,000 fine and community service are not enough. The fine should be 10 times \$2,000. Imprisonment for a separate second violation should be mandatory. Forfeiture of the developer's license as well as the property should be implemented once a third separate violation is adjudicated. Otherwise, the punishment will be basically a slap on the wrist and just the cost of doing business. City officials should also not be allowed to reduce the fines as they have in the past which is also why this illegal activity hasn't stopped in the 15 years I've been hearing complaints from my community.</p> <p>Mahalo for your support of Bill 44.</p>		
<p>Name: sharon ouchi</p>	<p>Email: karasu@hawaii.rr.com</p>	<p>Zip: 96816-2960</p>
<p>Representing: Self</p>	<p>Position: Support</p>	<p>Submitted: Jul 23, 2023 @ 02:51 PM</p>
<p>Testimony: One would think it would be obvious not to lie to someone in authority, mainly someone asking for facts regarding . . . well, anything.</p> <p>To lie to an authority is not just stupid on the part of the liar, it spits in the face of the authority and what it represents, the government and the people. If the liars are willing to disrespect the government and therefore the people, why should they be allowed to do anything?</p> <p>It is a slippery slope and those who start down it by lying can and do anything. What's one more lie to them?</p> <p>They need to be punished, there needs to be consequences, or they will continue this behavior. Obviously, someone failed them badly in their upbringing and they need to be taught that lying, especially to authorities, is just not done.</p> <p>It is really disturbing to realize that something so basic (Don't lie to an authority!) needs to be taught to folks well out of preschool.</p>		
<p>Name: Thomas Bena</p>	<p>Email: thomasbena@gmail.com</p>	<p>Zip: 02535</p>
<p>Representing: Self</p>	<p>Position: Support</p>	<p>Submitted: Jul 24, 2023 @ 04:15 AM</p>
<p>Testimony: I'm writing to implore that you help to put nature and stewardship of nature, above profits.</p> <p>When I was a young man I participated in the National Student Exchange Program at UH Manoa. It changed my life. Living in the Manoa Valley and meeting local Hawaiians left a great impression on me. Although that was almost 4 decades ago, I still think of those times with great fondness. There is no place on this planet like Hawaii. I now live on Martha's Vineyard -- another beautiful</p>		

island facing many of the same development pressures that Oahu is dealing with. We passed a law to limit house size and we made a movie about it, ONE BIG HOME.

All over the world, greedy developers sell their snake oil, and nature suffers. Please help to put a stop to this.

Name: Heather Strait	Email: kailuaisland@yahoo.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Jul 24, 2023 @ 07:56 AM

Testimony:  
Zoning laws exist to protect the quality of life for Hawai'i residents. "Monster homes" are technically apartment buildings and do not belong unless the lot is zoned for an apartment building. Builders who lie in a building permit application must be held accountable with stiff financial and criminal penalties. Existing apartment buildings that are on land zoned for a single residential home should be demolished.

Name: Neil Frazer	Email: neilfrazer@icloud.com	Zip: 96734
Representing: Frazer-Frantz Family Hui	Position: Support	Submitted: Jul 24, 2023 @ 09:38 AM

Testimony:  
My family and I strongly support Bill 44. The penalties it calls for aren't nearly severe enough to deter misfeasance, but it's a start.

Name: Neil Frazer	Email: neilfrazer@icloud.com	Zip: 96734
Representing: Frazer-Frantz Family Hui	Position: Support	Submitted: Jul 24, 2023 @ 09:47 AM

Testimony:  
PS. The letter from Kailua's Jill Thach in the Honolulu Star-Advertiser (Monday 7/24/22, page A10) is very pertinent to this bill. Jill correctly points out that the penalties in Bill 44 will do nothing to deter builders of monster homes. Nothing short of being forced to TEAR IT DOWN will work.

Why is City Council so timorous in its efforts to defend zoning?

Name: Duane Okamoto	Email: okamotod003@hawaii.rr.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Jul 24, 2023 @ 10:23 AM

Name: Patricia Watson	Email: pat.watson@yahoo.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Jul 24, 2023 @ 10:58 AM

Testimony:  
This may not do it all, but it is a small step as we move to more significant penalties in the development of illegal monster homes aka rooming houses in our neighborhoods. We talk about a lack of housing for local residents, if we do nothing at all, we will be surrounded by these monstrosities & our local residents will be left without the homes they deserve. I applaud Councilmen Tyler Dos Santos-Tam & Tommy Waters for their effort with this bill. Personally, I would like to see harsher penalties, but for now, this is a start. Thank you to all of the council members who realize the severity of this issue and will continue to look for ways to protect our neighborhoods from illegal builders who lie to get what they want.

Name: Patrick Watson	Email: surftone@hotmail.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Jul 24, 2023 @ 12:24 PM

Testimony:

Aloha,

As a Kamaina and Knaka Maoli who has grown up in Kaimuk, I have seen the rapid increase in property developers abusing building codes and undermining our neighborhoods by tearing down single family homes and erecting monster apartments in residentially zoned areas. I strongly support Bill 044 which allows stricter penalties for falsifying building plans and documents, particularly when the abuse results in attempting to illegally overcrowd a property intended for residential use. More needs to be done. Increased penalties should be placed on repeat offenders with multiple violations, ultimately resulting in a "3 strikes" revoking or banning of business licenses so they can no longer hurt our neighborhoods.

Currently, the Honolulu zoning code allows no more than five unrelated people to live in one residential unit (except in an adult-care home), but there is no limit on family members, provided there is adequate space. This allows unscrupulous developers to claim that everyone they rent to are their relatives in order to pack properties with so-called "relatives", thus turning a once single family home into a 19 unit monstrosity purely for under the table financial gain.

CM Dos Santos-Tam mentioned that there was a network of property owners, realtors, architects, engineers and contractors who came together and started this monster home phenomenon around the island. Why can't this network be flagged and penalties be levied against all of them?

The Honolulu City Council has passed several measures cracking down on the permitting and construction of monster homes. Chair Waters has led the charge on most of the bills. Among the laws are Bill 79 (2018) and Bill 90 (2020).

Bill 79 (2018) set new limits on the construction of monster homes. While it added restrictions that effectively ban large monster homes, some plans that were submitted before the law took effect were able to continue through the DPP approval process. It became law in May 2019.

Bill 90 (2020) aimed to close that loophole, by going after the permits. The law, which was signed in February 2021, would void permits pending review, and set an expiration date for approved permits.

DPP Director Dawn Takeuchi Apuna explained that monster homes are defined as residential buildings that violate land-use ordinances crafted to prevent apartmentlike structures from being built in neighborhoods with single- dwelling houses

Apartmentlike structures, Takeuchi Apuna said, should really be located in the districts zoned for apartments.

"So you have like 17.5 bathrooms in a residential area where you normally have one or two houses," Takeuchi Apuna said.

"That's a huge strain on water and sewer, parking — people take a lot of parking on the streets — so we don't want these apartmentlike structures in the residential districts."

"They're just huge, and they disrupt the fabric and character of our neighborhoods," Takeuchi Apuna said.

Mahalo Chair Waters, CM Dos Santos Tam and Director Takeuchi Apuna for your hard work. Please protect our neighborhoods and families from these notorious developers who are replacing Aloha with greed, overcrowding quiet neighborhoods, overwhelming our streets and infrastructure and driving the price of buying a home well out of reach for hard working locals who love and respect our island community. We need homes, not illegal apartments.

Name: Jane Gallagher Felix	Email: jane@liamfelix.com	Zip: 96734
Representing: Self	Position: I wish to comment	Submitted: Jul 24, 2023 @ 01:38 PM

Testimony:

Aloha Council members,

I strongly support this bill, but would like to see the penalty strengthened. I would like to see any one found guilty to be charged for the cost of demolition of the house or houses which have been built under false permits. I think this is the minimum penalty which you should adopt.

Mahalo for your consideration of my recommendation.

Aloha,

Jane

Name: RIED FISHER	Email: rfisher@wcitarch.com	Zip: 96813
Representing: Self	Position: Oppose	Submitted: Jul 24, 2023 @ 02:48 PM
Testimony: This bill is too vague, the definitions are not correct.		
Name: Annie Rousslang	Email: arousslang@icloud.com	Zip: 96821
Representing: Self	Position: Support	Submitted: Jul 24, 2023 @ 02:49 PM
Testimony: Monster homes showed disrespect for the laws and reduced quality of life and value of surrounding properties.		
Name: Jeanne Ohta	Email: jyohta@hawaii.rr.com	Zip: 96821
Representing: Aina Haina Community Association	Position: Support	Submitted: Jul 24, 2023 @ 03:04 PM
Name: Jonathan Lee	Email: jkcflee@gmail.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Jul 24, 2023 @ 03:15 PM
Testimony: I support Bill 44. It is important that people who make false statements and/or build non-conforming structures, who intentionally violate Zoning and Building Code are held accountable. Non-conforming structures, including "Monster Houes" and Apartment Buildings disguised as homes must be disincentivized. The stated financial penalty is far to minimal. Many builders and owners can easily afford the fine as it represents a very small fraction of the overall construction cost for these structures. I support Bill 44 and would encourage a penalty of demolition of the work and mandatory compliance with the LUO and Building Code per Honolulu Amendments. Mahalo for your attention.		
Name: Sarah Chinen	Email: schinen@hawaii.rr.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Jul 24, 2023 @ 04:17 PM
Testimony: I support Bill 44 regarding lying to inspectors, especially when it applies to building monster houses in our neighborhoods. A similar bill was introduced in the State Senate a few years ago but it did not go on the agenda for a 3rd reading and died.  I have the misfortune of living in front of a monster house duplex that spans 72 linear feet, 25 feet high, and is currently occupied with renters. This was permitted as an owner occupied residence that was never occupied by its owners. Ever. I had given up because inspectors never checked, and if they did check, the owners could so easily lie that they live in this 10 bedroom house. The truth is that they lived in a glorious mansion at the top of a hill with breathtaking views and landscaping rather than a monster house surrounded by concrete.  At the very least, a law that will punish these neighborhood cheats for lying would be good for inspectors and good for our preserving our neighborhoods where we live.  And, may I suggest that the penalty be more than monetary. Require that the house be be reconstructed to comply, and if the perpetrators are foreign, get the Federal agencies involved to revoke visas and return them to their home.		
Name: Abe Shimoda	Email: a.shimoda.dpt@gmail.com	Zip: 96821
Representing:	Position:	Submitted:

Self	Support	Jul 24, 2023 @ 05:29 PM
<p>Testimony: I support this bill.</p>		
Name: Kathleen Pahinui	Email: pahinuik001@hawaii.rr.com	Zip: 96791
Representing: Self	Position: Support	Submitted: Jul 24, 2023 @ 07:41 PM
<p>Testimony: Aloha Committee Chair Dos Santos-Tam and Committee Members:</p> <p>I strongly support Bill 44. Not just as it relates to monster homes but in other situations as well: illegal land uses, illegal TVUs for example.</p> <p>Unfortunately, there are a lot of people out there who are only out for their own interests and have no regard for their community. The North Shore sees its share of monster homes and illegal TVUs. This bill is a good start to draw the line and say no more, this is not acceptable and no one, no one is above the laws and rules that govern all of us.</p> <p>Please support this bill and please look very closely at those opposing it. If you are telling the truth there is no worry about remembering your lies.</p> <p>Mahalo,</p> <p>Kathleen Pahinui</p>		
Name: Thalya DeMott	Email: thal.ofmanoa@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Jul 24, 2023 @ 10:43 PM
<p>Testimony: Dear Councilmembers,</p> <p>I am in strong support of Bill 44. Illegal structures are cropping up all over the state but especially on Oahu, which ironically serves as our center of government. Hawaii is shamefully comparable to a developing country when our permitting and zoning bureaucracies are so easily corrupted and so blatantly taken advantage of by lawbreakers who flaunt their illegal structures, casually bribe officials, lie and deceive regarding their building plans and intentions, and thumb their noses at law-abiding citizens.</p> <p>The insignificant fines imposed for building what are technically apartment buildings in single-family zoned areas do not discourage this trend in the least. These owner/builders are fully aware that if they have a locked security gate preventing an inspector from reaching their door, the inspector will close their report as completed and never return. We continually allow this to happen, and we are laughable fools to make it so easy to break our laws.</p> <p>As multiple wet bars in building plans are later converted to full kitchens, and numerous auxiliary rooms are converted to rentable spaces in neighborhoods where commercial activities are illegal, our regulatory agencies merely make excuses or point fingers at one another.</p> <p>Single-family zoned neighborhoods do not have the infrastructure support for sewer lines which can safely service these increasing numbers of R-5 or R-7 lots with six full kitchens and nine or more toilets and showers per lot. Narrow neighborhood streets become congested with the parked vehicles of transient renters, preventing long-time homeowners from finding parking in front of their own homes.</p> <p>I support the pulling of permits and the razing of illegally built residences. Habitually making exceptions to our laws will only make us a lawless state.</p>		
Name: Stefanie Sakamoto	Email: ssakamoto@imanaka-asato.com	Zip: 96789
Representing: BIA Hawaii	Position: I wish to comment	Submitted: Jul 25, 2023 @ 08:29 AM

Name: Kathy Fay	Email: fay.kathy@gmail.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Jul 25, 2023 @ 09:07 AM
<p>Testimony:</p> <p>I am in favor of any bill that will strengthen penalties for falsifying building plans in order to obtain a building permit. Ultimately, we should require that structures be demolished if they are violating the terms of the building permit. Monster Houses are a treat to our neighborhoods and our quality of life. Please listen to the needs of your communities. Mahalo</p>		
Name: Clifton Dobson	Email: dc12549@yahoo.com	Zip: 96782
Representing: Self	Position: I wish to comment	Submitted: Jul 25, 2023 @ 10:48 AM
<p>Testimony:</p> <p>Dear Honorable Council members and Chair,</p> <p>Thank you for this opportunity to provide my questions and comments regarding Bill 44.</p> <p>The following are areas of the Bill listed under "Penalty" that I am speaking to:</p> <p>(a) A person convicted of violating the provisions of this article is guilty of a misdemeanor and subject to punishment by any one or more of the following:</p> <p>(1) A fine not to exceed \$2,000;</p> <p>(2) Imprisonment not to exceed one year; and</p> <p>(3) Community service not to exceed 80 hours.</p> <p>My comment and question to (a): Should include a minimum fine or penalty as well.</p> <p>Q: What happens if the same party commits a false statement more than once?</p> <p>Regarding:</p> <p>(b) In determining the punishment pursuant to subsection (a), the court shall consider the impact of the violation on the public health, safety, and welfare.”</p> <p>My questions to (b):</p> <p>Q: Does this translate that the court has full discretion to impose a fine or not to impose a fine based upon the type of false statement given?</p> <p>Can you provide examples of impact to health, safety, and welfare that would warrant the maximum fine or penalty in the enforcement of Bill 44?</p> <p>I look forward to your feedback.</p> <p>Mahalo for this opportunity to provide my questions and comments on Bill 44.</p>		
Name: Roger Lukas	Email: rlukas@hawaii.rr.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Jul 25, 2023 @ 11:52 AM
<p>Testimony:</p> <p>Dear City Council members:</p> <p>I support Bill 44. Thank you for your efforts to improve enforcement of existing laws and regulations.</p> <p>The rule of law is fundamental for any civilization, and full and equal enforcement of the laws agreed to by a society is fundamental to a healthy community.</p> <p>Penalties for breaking the laws must be sufficient to achieve compliance with them, without unduly punishing simple mistakes.</p>		



Repeat violators of the law, "scofflaws", must be penalized to the maximum extent of the law and the penalties must be sufficient to deter other scofflaws.

If that is not sufficient to deter such anti-societal behavior, the law (as in this context of monster home overdevelopers) should be modified to increase the penalties for willful violations.

In that regard, it would be better if Bill 44 made clear that the penalty would apply to each separate false statement/violation. As is, it is not clear that multiple violations of a permit would result in multiple charges or merely a single charge.

Is a \$2000 fine stiff enough to deter many monster home developers from cheating? It would seem that the judge in a case would have wide latitude for punishment to fit the particulars. Realistically, how many judges would send a scofflaw monster home builder to jail even it that might be needed to deter other scofflaws? In my opinion, a fine up to \$10,000 for each willful misstatement would be more likely achieve the objective of compliance.

While the context today might regard enforcement of zoning laws/regulations, Bill 44 is much broader, and perhaps the penalties proposed are thought to allows reasonable judicial punishment to fit many contexts. A larger maximum fine would still allow for such judicial discretion.

Sincerely,  
Roger Lukas

Name: Jody Green	Email: jmelanigreen@hotmail.com	Zip: 96795
Representing: Self	Position: Support	Submitted: Jul 25, 2023 @ 12:49 PM

Testimony:  
I am in full support of this Bill 44. Punish the greedy developers who are ruining our communities. Please pass Bill 44!  
Mahalo!

Name: Zhizi xiong	Email: alohadivinedesign@gmail.com	Zip: 96817
Representing: CARES	Position: Support	Submitted: Jul 25, 2023 @ 12:56 PM

Testimony:  
CARES testifies in support.

LISA MARTEN  
Representative



Phone: 808-586-9450  
Fax: 808-586-9456

**HOUSE OF REPRESENTATIVES**

*Hale o nā Luna Makaʻāinana*

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

July 21, 2023

Aloha Executive Matters and Legal Affairs Committee members,

I applaud the City Council for your tenacity in not only writing Bill 79 to encourage orderly development in accordance with adopted land use policies, but now following up with Bill 44-23 to enforce it. "Monster Homes" are a major concern in the Enchanted Lakes and Keolu Hills neighborhoods in my Districts with homes possibly being used for Chinese Birthing centers and other non-residential purposes.

Mahalo for your support of this measure.

Sincerely,

A handwritten signature in black ink that reads "Lisa Marten".

Lisa Marten, Representative  
State House District 51  
Waimānalo, Kaʻōhāo, Kaʻelepulu



Name: Stephen Yuen  
Email: [stevey@g70.design](mailto:stevey@g70.design)  
Cell ph: 808 341-6597  
Zip Code: 96816

**Meeting date:** tues 25july2023, 1pm  
**Council Committee(s):** Executive Matters and Legal Affairs  
**Agenda Item:** Bill044(23) Relating to False Statements  
**My position on the matter:** SUPPORT

This testimony is written in support of Bill044(23) Relating to False Statements, which should help address the issue of monster house developers deliberately using false information in order to receive building permits.

Once these developers have successfully received permits, they are able to withstand challenges and additional review by the city—all because they were able to gain the initial approvals using false information.

One additional recommendation in regard to monster houses: using aerial data with 2-d and 3-d mapping, digitize building coverage and floor area of existing R-5 zoned neighborhoods subdivided prior to 1968. Review the data (floor area will include garage and carport areas) and distribution and range of densities.

For the lower 50% of areas, reduce allowable FAR from 0.6 to 0.5. These are the neighborhoods most at risk of instability and the negative effects of overbuilding, the neighborhoods most to benefit from a stability that comes with reduced tear-down and rebuilding from developer speculation. Reducing FAR by 0.1 will be a simple tool to sustain those lower-half neighborhoods.

I am submitting testimony on my behalf only, and my testimony does not reflect the opinions of my place of work or any other associations I have with any other organizations or people.

Mahalo,steve.

I am writing in support of the intent of Bill 44. When it becomes public knowledge that certain individuals are widely known as serial abusers of the law, and are identified as such in the newspaper, the Council must take action to retain the trust of the people. The person identified is only one of many who are driven by greed and have no aloha for the people whose neighborhoods they are destroying. Currently, the odds of getting caught and punished are so low that it is worth the occasional "slap on the wrist" to realize thousands of dollars of profit. This must end.

I suggest the following changes (in bold) be made to the bill:

§ 1-\_.2 Prohibition. A person may not knowingly:

- (1) Make a false statement to a city official; or
- (2) Incite the making of a false statement to a city official **which results in an outcome favorable to the inciter.**

§1-\_.3 Penalty.

(a) A person convicted of violating the provisions of this article is guilty of a misdemeanor and subject to punishment by any one or more of the following:

- (1) A fine not to exceed \$2,000.
- (2) Imprisonment not to exceed one year; and
- (3) Community service not to exceed 80 hours.

**If the person convicted of violating the provisions of this article has received benefit from a false statement to a city official, that benefit shall be rescinded.**



## 'ĀINA HAINA COMMUNITY ASSOCIATION

c/o 'Āina Haina Library, 5246 Kalaniana'ole Highway, Honolulu, HI 96821  
ainahainaassoc@gmail.com; www.ainahaina.org

Jeanne Ohta, President • Melia Lane-Kamahele, Vice-President • Art Mori, Treasurer • Kathy Takemoto, Secretary • Directors At Large: Jeff Carlson, Wayson Chow, Meymo Rego, Marie Riley

---

July 25, 2023

To: Councilmember Tyler Dos Santos-Tam, Chair,  
Councilmember Radiant Cordero, Vice Chair and  
Members of the Committee on Executive Matters and Legal Affairs

From: Jeanne Y. Ohta, President

RE: Bill 44 (2023) Relating to False Statements

POSITION: SUPPORT

The Board of Directors of the 'Āina Haina Community Association (AHCA) write in support of Bill 44 (2023) Relating to False Statements. AHCA supports any measure that will assist in curbing zoning and building permit violations.

We suggest however, that a \$2,000 fine is minor compared to the profits they will gain by their illegal activity and would be considered merely a "cost of doing business" if they are caught. Many zoning violations occur because most violations are undetected and because the Department of Planning and Permitting (DPP) settles large fines for as little as 10% of the total accumulated fines.

We support DPP having the tools necessary to provide meaningful enforcement of the laws and regulations for which they are responsible.

Thank you for the opportunity to provide our support for Bill 44 (2023).



**HONOLULU CITY COUNCIL  
COMMITTEE ON EXECUTIVE MATTERS & LEGAL AFFAIRS  
Honolulu Hale  
1:00 AM**

July 25, 2023

RE: Bill 44 - RELATING TO FALSE STATEMENTS

Chair Dos Santos Tam, Vice Chair Cordero, and members of the Council:

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.

**BIA Hawaii offers the following comments on Bill 44, Relating to False Statements.** This bill creates the offense of “making false statements to city officials”, sets penalties, and defines the offense. BIA Hawaii offers the following comments on this bill.

We understand that the intent of this bill may be to deter the illegal building of so-called “monster homes” in our communities. While we certainly agree with that intent, we have concerns with the overly broad definitions in the bill. The bill defines “false statement” as: “any statement...that is incorrect, inaccurate, or not in accordance with truth or fact”. We have objections to this definition. We agree that knowingly lying to a city official should be an offense, however, the definition would not allow for any unintentional errors or alterations. Further, the inclusion of the “incite” definition is extremely unclear. It would seem that it is intended to deter bribery, however, it could also mean that someone who is simply “asking” a city inspector a question could be in violation. Additionally, we would suggest that government officials should also be held to the same standards.

We thank the Council for looking for ways to fix our current building permit process, and hope that we can continue to be a part of the conversations going forward.

The state of Hawaii is in a dire housing crisis. As the Council is aware, the cost of housing in Hawaii is extremely high, with Oahu’s median price of homes being currently over \$1 million. Approximately 140,436 U.S. households are priced out of buying a home for every \$1000 increase in price, according to the National Association of Home Builders (NAHB). We are in support of legislation that would allow for the building of much-needed housing at every price point in Hawaii.

Thank you for the opportunity to testify.