

BILL044(23)
Testimony

MISC. COMM. 451

EXECUTIVE MATTERS AND LEGAL AFFAIRS (EMLA)

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

Meeting Date: Aug 22, 2023 @ 01:00 PM

Support: 1

Oppose: 2

I wish to comment: 1

Name: Natalie Iwasa	Email: iwasajunk@mail.com	Zip: 96825
Representing: Self	Position: Oppose	Submitted: Aug 20, 2023 @ 11:40 PM
Name: Julia Fink	Email: julia@aiahonolulu.org	Zip: 96813
Representing: AIA Honolulu	Position: Support	Submitted: Aug 21, 2023 @ 04:21 PM
Name: Stefanie Sakamoto	Email: ssakamoto@imanaka-asato.com	Zip: 96789
Representing: BIA Hawaii	Position: Oppose	Submitted: Aug 22, 2023 @ 08:44 AM
Name: Zhizi Xiong	Email: Alohavinedesign@gmail.com	Zip: 96817-2707
Representing: CARES	Position: I wish to comment	Submitted: Aug 22, 2023 @ 12:53 PM
Testimony: CARES testifies wishing to comment.		

TO: Members of the Committee on Executive Matters and Legal Affairs

FROM: Natalie Iwasa
808-395-3233

DATE: Tuesday, August 22, 2023

SUBJECT: Bill 44 (2023), False Statements to City Officials - **OPPOSED**
CD1, Okimoto - **OPPOSED**
CD1, Kia'aina- **COMMENTS**
CD1, Dos Santos-Tam - **COMMENTS**

Aloha Chair Dos Santos-Tam and Councilmembers,

Thank you for allowing testimony on Bill 44, which would make it illegal to knowingly provide false statements to city officials, and the related proposed committee drafts, which propose various amendments.

The proposed CD1 by Councilmember Okimoto is still too broad. I therefore oppose this version as well as the original.

The proposed CD1 by Councilmember Kia'aina provides a more narrowed focus to the bill, specifically targeted at land use and building and housing codes. This version is therefore more palatable.

Article 4, Sec. __-4.1(e)(2) of the bill would require the director to add the civil fines to other city fees, such as a motor vehicle, business license and liquor license. Attaching civil fines under this bill to these other fees could potentially impact others who are not responsible parties, and that would be unfair to them. Those sections of the bill should be removed.

Sec. __-4.4 of the bill would authorize the director to issue an order requiring the demolition of a building structure or portion thereof if the responsible person is not in compliance with other sections. I support this section of the bill.

The proposed CD1 by Councilmember Dos Santos-Tam appears to attempt to narrow the scope of false statements, but it is not as clear as Councilmember Kia'aina's. It also does not authorize the director to require demolition of the property in question, which appears to be the recourse neighbors of violators are requesting.

August 22, 2023

TO: Honorable Tommy Waters, Chair
Honorable Esther Kia’aina, Vice-Chair
City & County of Honolulu City Council

FROM: Todd Hassler, AIA
2023 Board President
American Institute of Architects, Honolulu Chapter

SUBJECT: Bill 44 (2023) Relating to False Statements

Dear Chair Waters and Members of the City Council,

Aloha, my name is Todd Hassler, 2023 President of AIA Honolulu, writing in **SUPPORT** of Bill 44 (2023) Relating to False Statements and providing **COMMENTS**. We thank the Councilmembers for their edits.

The current language is too vague, focusing on false “statements,” implying verbal communications, instead of the plain visibility of illegal construction. A simple online search for “monster houses” shows recently constructed houses that violate the height limits of the LUO. Even if permit plans have misinformation related to the existing topography, we question how the design professional-of-record and the City inspector allow plainly visible zoning code violations to be constructed? For illegal conversions after permits are closed, why is the Owner’s Affidavit (Sec. 18-4.4), which is typically required by DPP for permit issuance, not wielded to **require demolition of illegal work under existing laws?**

COMMENTS:

- AIA previously sent detailed testimony to City Council for the August 8th meeting. The **proposed CD1-TDST1 is moving in the direction requested in this testimony, specifically with amendments to Section 18 ROH 2021**. False information such as “existing site topography vs. building height” needs to be added. In residential zoning, the building height is measured from the existing OR new topographical elevation, whichever is LOWER.
- Amend Section 18-4.4(c) Requirement for Owner Affidavit to include violation for residential changes of use with a meaningful City-imposed \$ fine and a demolition order PRIOR to charges of perjury under the state statute.
- Section 18-7.3, ROH 2021 “Criminal Prosecution” proposes a fine and imprisonment as punishments. **AIA proposes that for zoning and building code violations, the correct punishment is demolition of the portion(s) in violation and legalized reconstruction.**

The American Institute of Architects

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We would like to believe that the intent of this Bill is to empower the City to more effectively enforce current building and zoning codes. AIA believes that this bill is not worth passing if the punishment for violation is anything less than DEMOLITION. Thank you for this opportunity to testify.

Sincerely,

Todd Hassler, AIA
2023 President, American Institute of Architects, Honolulu

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

August 22, 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 is in opposition to 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.

While we understand that there are several drafts being presented, we continue to have concerns about this bill.

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.