

BILL044(23)
Testimony

MISC. COMM. 45

EXECUTIVE MATTERS AND LEGAL AFFAIRS (EMLA)

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

Meeting Date: Feb 6, 2024 @ 01:00 PM

Support: 31

Oppose: 0

I wish to comment: 2

Name: Linda Legrande	Email: lindalegrande2243@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Feb 2, 2024 @ 06:46 PM
<p>Testimony:</p> <p>I support this Bill because we have been victimized by dishonest developers for far too long and our neighborhoods are the ones to suffer. I would like to see these unscrupulous people have consequences that will deter them from this type of building. They should be held accountable.</p> <p>Thank you very much for the opportunity to testify. Linda Legrande</p>		
Name: Keith Watanabe	Email: ampeep@yahoo.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Feb 2, 2024 @ 09:18 PM
<p>Testimony:</p> <p>I am writing in support of this bill that would punish monster house developers for lying to city officials. They have knowingly falsified building plans, lied about the number of bathrooms, calling a future bedroom something else, and showing less square footage than the actual amount.</p> <p>Current laws are based on people following the laws and provide an accurate description of what they intend to build. The laws do not take into account 'crooks' that intend to game the system. We need to provide a means to keep dishonest monster house builders from continuing to mislead the government.</p> <p>Those builders and developers of monster houses should not be granted any more building permits. They have demonstrated their dishonesty and should be punished for that.</p> <p>Thank you for allowing me to provide testimony on this bill.</p>		
Name: Sharon Rahe	Email: sharonrahe@gmail.com	Zip: 96817
Representing: Self	Position: Support	Submitted: Feb 3, 2024 @ 08:01 AM
<p>Testimony:</p> <p>Yes, I agree you should go after all these monster homes that falsified permits . They should have monthly inspections to make sure they are not renting out the rooms to anyone. I have two monster homes across my street who are taking up all the parking in the neighborhood . I would volunteer and help to go to all these monster homes for inspections .</p>		
Name: Noela von Wiegandt	Email: noelavonw@yahoo.com	Zip: 96815
Representing: Self	Position: Support	Submitted: Feb 3, 2024 @ 08:50 AM
<p>Testimony:</p> <p>Aloha,</p> <p>I support this bill wholeheartedly!</p> <p>The way I was raised, if I told lies, I was punished.</p> <p>The people who build these awful monster house have consistently gotten away with lying to our city officials, why they are not held accountable astonishes me. We the people are so sick and tired of these ugly monster homes that are already built and shudder at the fact that they still proliferate in our neighborhoods island and state wide.</p> <p>A good example is the incomplete home being built on the Maikai side of the freeway exit at Waialae Avenue going Kokohead bound it is still sitting there not completed, covered in graffiti! Who is responsible for this property? Can it be torn down, it's been a few years since any activity of finishing this awful structure has been seen. I have been fighting these monster homes for many years and it seems as though nothing gets done that makes a difference. We the people testify, the City Council listens and then voila, more monster homes continue to be built! We the People are tired of lip service. Punish these people in the pocket with big fines, and maybe, just maybe these awful people will get wise to the fact that ENOUGH IS ENOUGH!!!</p>		

City Council DO SOMETHING THAT WILL MAKE A DIFFERENCE PLEASE!

Thank you very much!

Noela von Wiegandt

Name: Carl Hefner, PhD.	Email: hvc88images@yahoo.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Feb 3, 2024 @ 12:31 PM

Testimony:
Those who misrepresent plans and purposefully falsify building permit applications in order to create monster homes in our residential neighborhoods should be punished with an appropriate system of negative sanctions. Furthermore, if these developers continue to falsify documents, then appropriate measures, such as increasingly stiffer fines, revocation of permits, tear down of partially constructed monster homes, and ultimately a revocation of their "license".

Name: Brenda Lam	Email: brendaglam@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Feb 4, 2024 @ 05:45 AM

Testimony:
I support this bill however, I would have liked the fine to be much larger. Many who lie to city officials do so to make monetary profits. \$2,000 is a small amount to pay. The law would need rigorous enforcement.
Brenda Lam

Name: Kathleen Pahinui	Email: pahinuik001@hawaii.rr.com	Zip: 96791
Representing: Self	Position: Support	Submitted: Feb 4, 2024 @ 04:20 PM

Testimony:
Aloha Committee Chair Dos Santos-Tam:

I strongly support Bill 44. As chair of the North Shore NB #27, I review many Special Management Area applications where they claim they are ag concerns, and that the 2-story house with a pool and deck is necessary for the horses. Where each bathroom is necessary for the many vegetables they are growing can be washed.

This is shibai. We are tired of the lies. They lie to the community, they lie to DPP, they lie to you. We need to stop and hold them accountable for their lies.

We are tired of illegal uses of property such as unpermitted events, unpermitted structures and illegal vacation rental units. We need to take our communities back. Planning should be based on need not greed and a sense of entitlement.

Mahalo for your time and consideration of this bill - please help us.

Kathleen M. Pahinui
Waiialua Resident

Name: Jodie Pataray	Email: jpataray001@gmail.com	Zip: 96822
Representing: Self	Position: I wish to comment	Submitted: Feb 5, 2024 @ 04:12 AM

Testimony:
Merriam-Webster defines Fraud as an intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right. When someone submits documentation and attests to their submissions as true and reliable...for example...if they are submitting plans for a permit for renovation or construction, their work performed should be done based on those plans. IF their intent is to go thru the motions for submitting something but actually perform other work not specified and it is performed for the purpose of deceitfully bypassing the rules, they are a fraud. When the government, DPP, anyone expected to

enforce the rules to protect the community overlooks and allows these fraudulent characters to continuously get away with their deceitful actions, not only does this hurt the community, and neighborhoods. It hurts our entire future as a whole. By allowing these actions to continue without SERIOUS consequences, it is an embarrassment to the agencies allowing it and it is further pushing locals / Hawaiians to move away from our home. In other states, if such fraudulent construction is discovered, the deconstruction is enforced as well as serious consequences, fines, and jail time. Why is this not taking place in our community? Why should these people continue to get away with it over and over again. Why does our government allow this to happen? Our island home is becoming an embarrassment because of the lack of enforcement and it will only continue to get worse for our future generations if nothing is done NOW.

Name: Phil Mislinski	Email: phil@pmimage.com	Zip: 96712
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 04:57 AM

Testimony:
Aloha Committee Chair Dos Santos-Tam: I strongly support Bill 44. As a resident of the North Shore I have been reviewing permit application materials and building plans for work construction work being performed at 59-032 Kamehameha Hwy. I have also been reviewing the past history of the property owner and talking with contractors who have worked on the most recent project. It is very clear that the property owner has been grossly misleading the DPP and DOH with the plans submitted and claims on his permit applications. All indications are that he intends to open a large scale restaurant on a country zoned, residential lot. This type of blatant disrespect for zoning laws and government agencies is part of what is destroying the North Shore and other parts of Oahu. Scoff laws like the owner of this property need to be held accountable for their actions and deceptions.

Name: Denise Antolini	Email: antolinid@gmail.com	Zip: 96712
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 09:14 AM

Testimony:
Aloha EMLA Chair Dos Santos-Tam and Committee Members,

I write in strong support of Bill 44. Thank you for introducing this important bill!

The North Shore community is aware of numerous presentations, applications, and other submissions to the City and the community where developers and consultants simply *do not tell the truth* about their permits and projects - or follow-up compliance with permit conditions or monitoring requirements.

And they get away with it - 99% of the time. No one catch them and no consequences.

The City Council, the Department of Planning and Permitting, and Corporation Counsel, in particular, usually take applications and submissions at face value due to lack of capacity, time, or investigative staff. The result is that developers and consultants get away with highly mis-leading statements and outright falsehoods that then lead to major problems for the City and the community. It is "business as usual" and a form of corruption.

Residents, community associations, and neighborhood boards are then left in the impossible situation of (1) spending enormous resources digging into suspicious assertions, (2) spending time and money on information requests, (3) following up with agencies to point out misrepresentations and submit complaints, (4) following up again - and again - to find out if any consequences have occurred for mis-truths, and (5) risking retaliation for complaining to the City.

This situation is completely unacceptable. The reverse of what should happen.

Please pass the bill and put the burden of TRUTH on the developers and consultants. The City and the public deserve fair and accurate information, and full transparency, on applications and projects that go through the review and permitting process. Lying to the City officials and staff should have severe consequences.

Mahalo

Denise Antolini

Ppkea		
Name: Joe Wilson	Email: qwavesjoe@yahoo.com	Zip: 96712
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 09:51 AM
<p>Testimony:</p> <p>Aloha Chair and Committee Members,</p> <p>I write in support of Bill 44 (23) and its purpose of deterring persons from making or inciting the making of a false statement to a public servant.</p> <p>While such an act may have many important applications, I share the concern of other community advocates on north shore O'ahu, where I've lived for the past 20 years, who are constantly forced to defend our neighborhoods, the environment, and other public interests from the efforts of those who manipulate and/or blatantly disregard rules and regulations in pursuit of profit.</p> <p>This bill is a long-overdue step in the right direction to help ensure that our City and County regulatory agencies are able to more effectively serve public well-being rather than private interests.</p> <p>Your support is appreciated,</p> <p>Joe Wilson Kaunala / Velzyland</p>		
Name: Heidi Kreul	Email: hkreul@gmail.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 10:09 AM
<p>Testimony:</p> <p>Aloha,</p> <p>Thank you for the opportunity to support bill 44. Monster homes are not appropriate in residential communities. They have a negative effect on the community, unfairly use resource's, create parking issues, trash collection issues and are often used as illegal stvr.</p> <p>Please hold contracts to their approved building permits and punish for lies and overdevelopment .</p> <p>Mahalo nui Heidi ,</p>		
Name: John Thielst	Email: thielst@coffman.com	Zip: 96813
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 10:21 AM
<p>Testimony:</p> <p>Aloha EMLA Chair Dos Santos-Tam and Committee Members,</p> <p>I write in strong support of Bill 44. Thank you for introducing this important bill!</p> <p>The North Shore community is aware of numerous presentations, applications, and other submissions to the City and the community where developers and consultants simply *do not tell the truth* about their permits and projects - or follow-up compliance with permit conditions or monitoring requirements.</p> <p>And they get away with it - 99% of the time. No one catches them and there are no consequences.</p> <p>The City Council, the Department of Planning and Permitting, and Corporation Counsel, in particular, usually take applications and submissions at face value due to lack of capacity, time, or investigative staff. The result is that developers and consultants get away with highly mis-leading statements and outright falsehoods that then lead to major problems for the City and the community. It is "business as usual" and a form of corruption.</p>		

Residents, community associations, and neighborhood boards are then left in the impossible situation of (1) spending enormous resources digging into suspicious assertions, (2) spending time and money on information requests, (3) following up with agencies to point out misrepresentations and submit complaints, (4) following up again - and again - to find out if any consequences have occurred for mis-truths, and (5) risking retaliation for complaining to the City.

This situation is completely unacceptable. The reverse of what should happen.

Please pass the bill and put the burden of TRUTH on the developers and consultants. The City and the public deserve fair and accurate information, and full transparency, on applications and projects that go through the review and permitting process. Lying to the City officials and staff should have severe consequences.

Thank you,
John Thielst

37 year resident of the NS

Name: TOM DIGRAZIA	Email: digraziat001@gmail.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 10:32 AM

Testimony:
Strong support for Bill 44.

Name: Karen McCarthy	Email: sksb@earthlink.net	Zip: 96734
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 10:37 AM

Testimony:
To Whom it May concern,

I ask for your support to advance a bill that would punish monster home developers for lying to city officials. In order to obtain a building permit, monster home developers have falsified their building plans. They've lied about the number of bathrooms they're building, call a future bedroom a "recreation room," or "underestimate" the amount of square footage. They should be held responsible for lying to City Officials.

Thank you for your time and consideration,
Karen McCarthy

Name: Nicole Pedersen	Email: nicoleinea@gmail.com	Zip: 96825
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 10:43 AM

Testimony:
I support efforts to eliminate the illegal "monster house" buildings in residential areas. I believe there are obviously a number of reasons these monster houses are unacceptable, including the reasons the laws are in place. Unfortunately it seems regulating the laws is difficult and these builders have figured dishonest tactics to get around the system. Hopefully Bill 44 will effectively address the dishonest practices of the monster home builders.

Name: Larry Bartley	Email: sonhawaii@hawaii.rr.com	Zip: 96734
Representing: Save O'ahu's Neighborhoods	Position: Support	Submitted: Feb 5, 2024 @ 11:01 AM

Name: Willis Yap	Email: yap.willis@gmail.com	Zip: 96816
Representing:	Position:	Submitted:

Self	Support	Feb 5, 2024 @ 11:13 AM
<p>Testimony:</p> <p>I support this bill since I live on 8th Avenue in Kaimuki and two large multi-unit 2 story structures have been built just yards away from my home, which is on the historic register. We already have rental houses on our street and parking is an issue. When the newest multi-unit structure is completed, which should be within the next few weeks, I'm anticipating even more cars. I have mixed feelings about having more rentals available for our citizens as we already have such shortages. On the other hand, why should we let people lie and cheat and make money off their dishonesty. So, I do support constitutional measures that seek to prevent "bad behavior." I think this bill will help that effort. Mahalo.</p>		
Name: Joli Tokusato	Email: jtokusato@5.unitehere.org	Zip: 96826
Representing: UNITE HERE Local 5	Position: Support	Submitted: Feb 5, 2024 @ 11:51 AM
Name: Jason DeMarco	Email: jason@polyline.design	Zip: 96813
Representing: Polyline Architecture and Urbanism	Position: I wish to comment	Submitted: Feb 5, 2024 @ 12:51 PM
<p>Testimony:</p> <p>RE: 44 - Making false statements to city officials</p> <p>COMMENT</p> <p>As it relates to design and construction, which I understand to be the impetus behind the bill a few concerns:</p> <ol style="list-style-type: none"> 1. Architects and Engineers often submit a set of drawings appropriate to permitting, to document protection of life and safety. Then prepare a construction set of drawings that expands upon the permit set adding clarity to finishes and details of construction. Does this represent an inaccuracy? 2. It is common during construction to make varying levels of field changes to a project to address unforeseen conditions, concealed conditions, owner requested changes, and/or contractor requested changes perhaps due to a discontinued product, supply chain issues, or value engineering to another comparable product. If this bill relates to this topic, then clarity is needed as to what level of field change is acceptable to pursue, what can be pursued and approved by the assigned inspector, and what rises to the need to resubmit plans to DPP for re-review? Suggestion for the latter is matters of significant life/ safety concern be resubmitted only. <p>Some more general comments/ questions:</p> <ol style="list-style-type: none"> 1. To whom is a potential violation reported? 2. Is there a statute of repose for when a complaint can be submitted? 3. What is the review and appeal process? 4. If complaints are being sent to the court system, how will this impact our already backed up trial log? 5. The wording of this Bill is broad and encompassing. Is this the intent or should it be rewritten to be more specific to design and construction related topics? 6. The penalties do not seem proportional to each other: a \$2000 fine is not equivalent to a years' imprisonment. In my opinion, the fine maximum is too low and imprisonment is not a reasonable punishment for lying. 		
Name: Larry McElheny	Email: lkmcelheny@gmail.com	Zip: 96712
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 01:27 PM
<p>Testimony:</p> <p>Aloha Chairman Dos Santos Tam and Committee Members</p> <p>I strongly support Bill 44 and I totally agree with the excellent testimonies submitted by Kathleen Pahinui, Denise Antolini and Joe Wilson.</p> <p>If possible, please incorporate their testimonies herein, as though they were mine.</p> <p>Mahalo,</p> <p>Larry McElheny</p>		

(808) 237-9354

Name: Patricia Watson	Email: pat.watson@yahoo.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 01:35 PM

Testimony:

I wish I could say this bill goes far enough, it doesn't, but it's a small, very small step to try to hold unscrupulous developers accountable for the lies & cheating they do in developing apartment type buildings in residential areas. I live in Kaimuki & I witness the huge, non single family homes that come up all of the time. As an example, when I moved here, there was abundant street parking, now because cars park so close to the STOP signs, entering an intersection is unsafe, all because of this huge rooming houses.

Not only are these lying developers taking land away from local residents who can barely afford to live here, I truly believe as they break numerous rules to build these horrible structures, they don't pay their fair shares of the taxes associated with renting the illegal rooms. It's rooming houses in what was once quiet neighborhoods.

I applaud the City Council for trying to enact harsher penalties, but really these developers have made so much money, these penalties are a drop in the bucket for them. Force them to break down illegal structures when found at fault for not following the rules that the rest of us have to follow. I want stronger laws, but as I said, this is a start. Thank you.

Name: Patrick Watson	Email: surftone@hotmail.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 02:10 PM

Testimony:

Aloha,

I am submitting my written support of Bill 44. We locals have seen these monster home developers systematically undermine our neighborhoods by abusing residential zoning laws and codes for far too long with little to no consequences. They recklessly drive property prices above and beyond the ability of good hard working local families ability to afford.

Unethical developers should be banned from doing business in Hawaii, be required to tear down illegally built structures, and forfeit their monster home properties. Please help us.

Mahalo,

Patrick Watson.

Name: Jeanne Ohta	Email: jyohta@hawaii.rr.com	Zip: 96821
Representing: Aina Haina Community Association	Position: Support	Submitted: Feb 5, 2024 @ 03:27 PM

Name: Millicent Cox	Email: midcox@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 03:58 PM

Testimony:

I find that using false building plans for permits is creating havoc in our residential communities and needs to be halted. Serious fines is part of the process as would be regular inspections during construction.

Name: Nancie Caraway	Email: nancie.caraway@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 04:24 PM

Testimony:

Aloha Council Members. With this important Bill 44 you have the power to PUNISH corrupt builders - such as Christy L'ai, the liar who swore to PPP her project was single home.

Monster homes are destroying our fragile communities to enrich liars. I have seen these illegal structure mar my own Mnoa neighborhoods.

Housing is so crucial to our Hawaii people and we must prevent these unsustainable developers from defrauding the City. I encourage yiu all to understand the need for strict legal punishment for lying.

Our people deserve better. Mahalo for your wise YES VOTE on 44.

Name: Julia Fink	Email: julia@aiahonolulu.org	Zip: 96813
---------------------	---------------------------------	---------------

Representing: AIA Honolulu	Position: Support	Submitted: Feb 5, 2024 @ 04:29 PM
-------------------------------	----------------------	--------------------------------------

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

Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 06:06 PM
-----------------------	----------------------	--------------------------------------

Testimony:
Support bill 44. Only 6 or 7 figure fines and/or jail time will deter these modern day pirates. Measly fines are no deterrent.

Name: Ann Medeiros	Email: ajmedeiros@hawaiiantel.net	Zip: 96734
-----------------------	--------------------------------------	---------------

Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 07:42 PM
-----------------------	----------------------	--------------------------------------

Testimony:
I support this measure. No one should be lying or intentionally misguided city officials. I encourage all council members to vote in favor of this bill.

Name: Sarah Chinen	Email: schinen@hawaii.rr.com	Zip: 96816
-----------------------	---------------------------------	---------------

Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 09:08 PM
-----------------------	----------------------	--------------------------------------

Testimony:
Many of the monster homes that have invaded our old neighborhoods have been built without regard for our current laws and regulations. Permits have been issued and the contractor/builder make changes that are not approved - and they lie from the beginning. A monster house that was built right behind of our home was originally approved as 2 single family homes (2 story duplex) as an owner occupied building. However, the owner or his family never lived in it, and it is now tenant occupied as 4 units.

If our laws get stronger and we can stop these disrespectful and greedy developers from skirting the regulaltions with lies and deceit, then make them strong enough to make a difference. We are losing our sense of aloha to those that are only in it for the money.

Thank you for your attention to this matter,

Sarah Chinen

Name: sharon ouchi	Email: karasu@hawaii.rr.com	Zip: 96816-2960
-----------------------	--------------------------------	--------------------

Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 09:14 PM
-----------------------	----------------------	--------------------------------------

Testimony:

When I was a child, actions had consequences. Why does it seem like this is no longer the case? Maybe it's because folks that flout rules never seem to suffer any punishment for what they do?

The only way folks will start to follow the rules is if the consequences are severe enough as to impact their profits. Tear down their monstrosities and fine them -- make them pay since they can obviously afford it. Make them pay because they obviously don't care. Make them pay until they learn to follow the rules the rest of us follow.

Or simply don't let them build until they learn to follow the rules. How hard can that be?

Name: Barbara DeBaryshe	Email: debaryshe@gmail.com	Zip: 96816
Representing: Self	Position: Support	Submitted: Feb 5, 2024 @ 11:10 PM

Testimony:
I support this act.
Monster homes are increasingly affected our neighborhoods and any curb to questionable building practices will help.

Name: Stefanie Sakamoto	Email: ssakamoto@imanaka-asato.com	Zip: 96789
Representing: BIA Hawaii	Position: Support	Submitted: Feb 6, 2024 @ 08:32 AM



Dear Honolulu Councilmember,

Founded in 2005 to coordinate O'ahu-wide efforts to combat illegal short-term rentals in residential zoning, **SONHawaii supports BILL044(23)**.

Effective enforcement of our Land Use Ordinance demands that our enforcement agents have the tools necessary to do their job. Bill 44 is another tool in the box.

Please, take this necessary step to bring residential-zoned houses and apartments into the residential use they were permitted and built for.

Larry Bartley
Executive Director
Save O'ahu's Neighborhoods



Cade Watanabe, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Eric W. Gill, Senior Vice-President

February 5, 2024

Committee on Executive Matters and Legal Affairs
Honolulu City Council
Councilmember Tyler Dos Santos-Tam, Chair
Councilmember Radiant Cordero, Vice Chair

Testimony in Support of Bill 44 CD1 (OCS2024-0082/2/2/2024 1:40 PM)

Chair Dos Santos-Tam, Vice Chair Cordero, and Members of the Committee,

UNITE HERE Local 5 represents 10,000 working people in the hotel, food service and health care industries across Hawaii. We are in support of Bill 44 CD1 as proposed by Councilmember Dos Santos-Tam. This measure would create meaningful penalties for developers of monster homes seeking to sneak projects through the permitting process. The current practices of some unscrupulous monster home developers are detrimental to our communities and to those who ultimately live in these structures. The amendments proposed in CD1 help ensure that it is not applied too broadly or in unintended ways.

Monster homes are a problem for our communities. They put stress on infrastructure without taking steps to mitigate it and without giving the City & County the ability to plan appropriately for it. The intensity of use they bring with them can create problems in residential neighborhoods - problems with parking, traffic, and utility usage in the short term, and in the long term, their aggregate impact could require the City to undertake costly infrastructure upgrades to increase the capacities of the sewage, electric, water, roadway, police, fire, school, and other systems. The development of residential units on Oahu needs to be done in a conscious, coordinated way. If not, it is the public who will ultimately pay the price, in more ways than one.

Thank you for your consideration.



'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

February 6, 2024

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) CD1 Relating to False Statements

POSITION: SUPPORT

The Board of Directors of the 'Āina Haina Community Association (AHCA) write in support of Bill 44 (2023) CD1 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 that are earned by illegal activity and false statements. The \$2,000 fine would be 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) CD1.

February 6, 2024

TO: Honorable Tyler Dos Santos-Tam, Chair
Honorable Radiant Cordero, Vice-Chair
Executive Matters & Legal Affairs Committee

FROM: Wayne Goo, AIA
2024 Board President
American Institute of Architects, Honolulu Chapter

SUBJECT: Bill 44 (2023) Relating to False Statements

Dear Chair Dos Santos-Tam and Members of the Committee,

The American Institute of Architects

AIA Honolulu
828 Fort Street Mall, Suite 100
Honolulu, HI 96813

T (808)628-7243
contact@aiahonolulu.org
aiahonolulu.org

Aloha, my name is Wayne Goo, 2024 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.

AIA Honolulu would like to reiterate previous testimony encouraging the Council to empower the City to more effectively enforce current building and zoning codes.

- We continue to suggest amendments to Section 18 ROH 2021 that includes misrepresenting “existing site topography vs. building height” as an example of false information.
- Amend section 18-4.4(c) to include the violation for residential changes of use with a fine and demolition **prior** to charges of perjury. The Owner’s Affidavit should already allow this punishment.
- 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.**

If the intent of this bill is to stop those who knowingly submit building plans for one thing and construct another, AIA strongly encourages the punishment to be demolition of the falsified structure.

Thank you for this opportunity to testify.

Sincerely,

Wayne Goo, AIA
2024 President, American Institute of Architects, Honolulu



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

February 6, 2024

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.