

BILL020(24)
Testimony

MISC. COMM. 120

BUDGET (BUD)

BUDGET (BUD) Meeting

Meeting Date: Apr 2, 2024 @ 09:00 AM

Support: 0

Oppose: 27

I wish to comment: 0

Name: Ellen Floyd	Email: nonifloyd@hawaii.rr.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Mar 28, 2024 @ 04:15 PM
Testimony: Allocating civil penalties funds to the department responsible for imposing the penalties can give rise to conflicts of interest, potentially impacting the integrity and credibility of penalty enforcement processes in Hawaii.		
Name: Eunkyue Park	Email: ekpark333@gmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Mar 28, 2024 @ 05:16 PM
Testimony: This Bill will create a conflict of interest as it will incentivize the department to pursue penalties aggressively for financial benefit, potentially compromising the impartiality and objectivity of penalty enforcement. Therefore I oppose this Bill strongly!!		
Name: Andrew Chong	Email: achong510@hotmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Mar 28, 2024 @ 05:20 PM
Testimony: This Bill will create a conflict of interest as it will incentivize the department to pursue penalties aggressively for financial benefit, potentially compromising the impartiality and objectivity of penalty enforcement. Therefore I oppose this Bill strongly!!		
Name: Keriann Osada	Email: keriann@osadas.com	Zip: 96816
Representing: Self	Position: Oppose	Submitted: Mar 28, 2024 @ 09:21 PM
Testimony: I oppose this bill since it is a conflict of interest to allow DPP to collect fines and fees for its own use. This is like writing a blank check for DPP where all it needs to do is to fine more people to make more money. We need a system of checks and balances. This may make the DDP not impartial nor objective in enforcing penalties. It could lead to the image of favoritism in a department that has already lost trust and transparency due to the recent cases of bribes. This conflict of interest may lead to many lawsuits and costs for the city and county and deadlocks and more red tape, overhead and lack of trust and confidence in the city and county. It is not fair to have one department be judge, jury and executioner. Separate the powers, avoid litigation and costs, and gain trust and transparency.		
Name: Kathleen Ochsenbein	Email: crijsp@gmail.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Mar 28, 2024 @ 10:09 PM
Testimony: Please do not pass this. The Department of Planning and Permitting is already known for corruption, taking bribes, etc. This would be like asking the fox to watch the hen house. Hawaii has already been named the most corrupt state in the nation and passing this would not help "clean up" the city and county in any way, shape or form.		
Name: Karen Luke	Email: nahele@yahoo.com	Zip: 96706
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 12:37 AM
Testimony: Letting DPP keep the fines would amount to letting the fox watch the henhouse, or it could be the butt of jokes like the telling of Christmas Parties by the police collecting fines.		

Name: Herb Rose	Email: herb_rose@yahoo.com	Zip: 93442
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 07:30 AM
Testimony: I oppose this bill		
Name: K W	Email: marypyhu@gmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 08:08 AM
Testimony: We strongly oppose this measure. This Bill will create a conflict of interest as it will incentivize the department to pursue penalties aggressively for financial benefit, potentially compromising the impartiality and objectivity of penalty enforcement		
Name: Eddie Baladad	Email: 808eddiebaladad@gmail.com	Zip: 96821
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 08:30 AM
Testimony: I vehemently oppose this bill. The main objective and goal of this bill by DPP is to destroy and eliminate families with short term rentals at any cost necessary. Families that just want to provide for their families by making extra money. And I happen to be just one of many. I urge my council person and all council person to oppose this bill on behalf of my family and families who shares the same fate.		
Name: Charles Stark	Email: starklaw@sonic.net	Zip: 95403-1095
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 09:38 AM
Testimony: Additional property taxes on TVUs are unwarranted: the value of the property is not affected and the use is the same regardless of category of occupant. TVUs are largely to help the owners maintain a residence in Hawaii's high cost of living. TVUs only help meet the high mortgage, existing property taxes, high utility costs, and tropical maintenance. TVUs already pay additional GET and OTAT which more than covers any additional government service for the TVU use. Any additional property tax is a burden which would break the back of many families using TVUs to make ends meet. An additional tax would also encourage illegal TVUs to escape the tax and thwart any reasonable regulation of TVUs which is needed. The additional tax would also make enforcement of TVU reasonable regulation more difficult.		
<ul style="list-style-type: none"> • This Bill will create a conflict of interest as it will incentivize the department to pursue penalties aggressively for financial benefit, potentially compromising the impartiality and objectivity of penalty enforcement. • Moreover, this arrangement could lead to a perception of bias or favoritism, undermining public trust in the enforcement process and raising questions about the fairness and transparency of penalty decisions. • In summary, allocating civil penalties funds to the department responsible for imposing the penalties can give rise to conflicts of interest, potentially impacting the integrity and credibility of penalty enforcement processes in Hawaii. 		
Name: G GRand	Email: GRAND@hawaii.rr.com	Zip: 96791
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 09:53 AM
Testimony: For the love of God, take courage and OPPOSE this crookedly designed bill that compromises impartiality & fairness. Having the FOX guarding the chicken coupe (your constitutes) is unconscionable. Do not allow this blatant conflict of interest. It would weaponize officials financially to do more wrong. We who have grown up in Hawaii have become so distrustful of so many of our representatives that this would further undermine public trust in your integrity & credibility. Stand tall against this force of Evil.		

IMUA.		
Name: lillie mcafee	Email: lilliemcafee@gmail.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 09:57 AM
Testimony: Please vote NO. This bill would be a HUGE mistake. Look at DPP's track record.		
Name: Claudia Parker	Email: cparker@parkerlawgroup.com	Zip: 96789
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 10:06 AM
Testimony: OPPOSED! A conflict of interest is inherent because this bill incentivizes the department to aggressively pursue penalties for financial benefit, potentially compromising the impartiality and objectivity of penalty enforcement. You can imagine that promotions will go to those who get the most money/fines for the department! Voters will perceive bias or favoritism, undermining public trust in the enforcement process and raising questions about the fairness and transparency of penalty decisions. It's crazy that you would allocate civil penalties funds to the department responsible for imposing the penalties!		
Name: Norm Nichols	Email: norm@petroglyphs.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 10:42 AM
Testimony: This proposed bill is another attempt to try to fix a decades old problem created by the city council in 1989 when the whole permitting issue was created. It would establish an action that targets neighborhoods across the island and the residents who live there, many of whom are elderly and on fixed incomes. The long term effect, like the permitting problem, is punitive and subject to abuse and the enforcement could lead to a perception of bias or favoritism, undermining public trust in the enforcement process and raising questions about the fairness and transparency of penalty decisions as has been the case with the initial permitting actions initiated in 1989.		
Name: Mike Jackson	Email: mikejacksonatlarge@gmail.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 11:23 AM
Testimony: The DPP has proven to be one of the worst operated, and corrupt departments in the City Administration. Do we want to give fining and penalty authorization to the very department that will also be given the money from the fines and penalties. This represents a huge conflict of interest, and the DPP has proven to have partiality issues in favor of those with deep pockets. Can we believe they will not be overly aggressive at handing out fines which will financially benefit themselves and their department?!		
Name: Jane Moy	Email: snow2136@netzero.net	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 11:26 AM
Testimony: Dear Council members, My family and I strongly oppose this Bill020(24) in regards to the Department of Permitting and Planning creating their own separate funds as they collect fines and fees. It would create a collection pool of their own but possibly incentivizing them being overly aggressive with fining and collecting fees beyond reasonable standard in order to show the council they are "doing their job" by collecting a lot of money. The DPP has always ran with the financial support drawn from the county/city funds. Why does		

it have to have a special fund for operations? They will know how much they have collected from their administrative duties. The separate fund is unnecessary. This promotes a conflict of interest, potentially give favoritism to not be penalized and raise questions about fairness and penalty decisions. This then would impact the credibility and penalty enforcement process of the DPP. Again DPP can get money to run their operations by the general fund. Please do not pass this BILL020(24) allowing DPP to have special questionable fund.

Thank you,
Jane Moy and Family

Name: Richard Fernandez	Email: janinarichard@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 02:03 PM

Testimony:
I oppose bill 20 for the following reasons:

When was the last time a govt organization was incentivized to do their job? I image if the public got word that cops are getting a bonus based on the number of tickets they issue? There would be an obvious uproar. Knowing that DPP is pretty incompetent and has a history of convicted managers this bill will add fuel to the fire.

DPP has been a thorn on everybody when it come to improving things.
Richard

Name: Ralph Furley	Email: rfmail2007@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 02:11 PM

Testimony:
Folks I am against bill 20,

Who wrote this bill - DPP? With such a bill DPP inspectors will turn into the nazi gestapo raiding homes just to turn up Land Use Ordinance violations from poor residents who inherited or bought homes that may have some building non-compliance. I can assure you that many in the city council are probably not sure if your own home are totally compliant - why because as a contractor the Honolulu city LUO is an encyclopedia volume some with rules that contradict each other. Now you these DPP inspectors getting promotions for how creating havoc on many residents.

complete nonsense you are even considering this.
Mr. Furely.

Name: cecila gomez	Email: ceciliagomezhawaii@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 02:18 PM

Testimony:
I read this bill and I oppose bill 20,

I cant believe I have to spend time from my retirement to contest such stupid proposal such as this. What giving DPP more funds to find violations then actually making a difference in processing permits or better yet helping residents understand about building codes should be the intent. But no you want to aide and abate a totally incompetent govt organization who's members have been thrown in jail with an incentive to not properly serve the community. Cmon folks!?

This poor neighbor of mine had her some inspected by DPP and know owes \$15 k in contractor costs because a minor building issue. that DPP inspector was worse than if a burglar broke into her home and stole her belongings. I would not even know where to look if my building is 100% building code compliant.

Shame on all of you for proposing this bill		
Name: Patrick Riley	Email: paradisepartners8164@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 02:25 PM
<p>Testimony:</p> <p>Oppose this bill 20,</p> <p>Why dont you guys help improve the system vs making more costly problems for residents. I and many residents do not trust in DPP and yet you want to give them more ammunition to harass residents in their own homes? Why dont you guys act like councilwoman Tupola who tried to first clean up the building code regulations vs giving these dpp inspectors many of which dont even undertstand the entire volumes of building codes but simply handing out building citations. I know this one lady in Lanikai had to hire a lawyer for \$5k who specialized in building codes to contest a Notice of Violation from an ignorant DPP inspector.</p> <p>Are you guys crazy for even considering this ridiculous bill?!</p>		
Name: Levi Brooker	Email: levibrooker@gmail.com	Zip: 96707
Representing: Self	Position: Oppose	Submitted: Mar 29, 2024 @ 09:46 PM
<p>Testimony:</p> <p>I just met a family from Chicago who paid a lot of money to legally rent a home in a resort community for 30+ days. They had never been to HI before, and said they were shocked at how unwelcome they have been made to feel due to the local political agenda, and that they will not come back. I told them that is exactly what the hotel lobby / local government wants, but I don't think they have actually thought through the economic impacts. Please allow developers to build more housing vs scapegoating deep-rooted housing issues onto a tiny fraction of legal short term housing operators who actually serve a purpose and help the local economy.</p>		
Name: Julie Bock	Email: hawaiiibock@hotmail.com	Zip: 96821
Representing: Self	Position: Oppose	Submitted: Mar 31, 2024 @ 04:20 AM
<p>Testimony:</p> <p>I oppose this!</p>		
Name: Leslie Moy	Email: Les3611@gmail.com	Zip: 98116
Representing: Self	Position: Oppose	Submitted: Mar 31, 2024 @ 10:58 AM
<p>Testimony:</p> <p>Dear Council members,</p> <p>My family and I strongly oppose this Bill020(24) in regards to the Department of Permitting and Planning creating their own separate funds as they collect fines and fees. It would create a collection pool of their own but possibly incentivizing them being overly aggressive with finding and collecting fees. The DPP has always ran with the financial support drawn from the county/city funds. Why does this have a special fund for operations? I find that this separate fund is unnecessary. This promotes a conflict of interest and raise questions about fairness and penalty decisions. This then would impact the credibility and penalty enforcement process of the DPP. The DPP can obtain the funds for the operations by the general fund. Please do not pass this BILL020(24) allowing DPP to have special questionable fund.</p> <p>Thank you, Leslie Moy</p>		
Name:	Email:	Zip:

Margaret Aurand	pegzaloha@yahoo.com	96825
Representing: Self	Position: Oppose	Submitted: Mar 31, 2024 @ 11:50 PM
Name: Mali Hawes	Email: maliodum@yahoo.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Apr 1, 2024 @ 07:31 AM
<p>Testimony:</p> <p>Aside from the fact that the DPP has proven themselves incapable of managing anything fairly or expediently, this bill constitutes a clear conflict of interest.</p> <p>Councilman Weyer, I am disappointed in you. Your lack of commonsense regarding the legalities and your willingness to further empower an incompetent bureaucracy at the expense of your constituents render you unfit to represent the North Shore. I will be talking about your position on this to everyone I know.</p> <p>Mali Hawes. 40+ year resident and former North Shore Neighborhood Board member</p>		
Name: Karen Shimabukuro	Email: hawaiiiauntie@gmail.com	Zip: 96789-3538
Representing: Self	Position: Oppose	Submitted: Apr 1, 2024 @ 07:44 AM
Name: Victoria Johnson	Email: beachholdings2005@gmail.com	Zip: 96762
Representing: Self	Position: Oppose	Submitted: Apr 1, 2024 @ 03:30 PM
<p>Testimony:</p> <p>Please do not develop another "special fund", DPP should NOT be awarded by handing out fines knowing they the DPP will have access to the fine monies. This is a real conflict of interest. Such a process does not instill confidence in the office operations and the fairness of the fines. The fines of \$10,000 are excessive and unconstitutional. Is the state going to have to pay attorneys fees of \$300,000 like was done before with HILSTRA?</p> <p>Please know that this a very poor policy / funding structure. I am a graduate of a Masters Degree in Public Policy and Planning and this is an important conflict. Please do not pass this very unconstitutional Bill.</p> <p>Respectfully submitted Victoria Johnson</p>		

The Department of Planning and Permitting (DPP) is the enforcement arm of the City and County of Honolulu as regards real property. In its attempts to enforce the 30-day minimum rental ordinance (19-18) currently in effect, it has engaged a third party which has provided a bot—a computer application that searches for certain parameters within short-term rental hosts' online listings. Clever. But the DPP has violated the U.S. Constitution's 8th Amendment which prohibits excessive fines.

If you are caught driving drunk (and thus at risk for maiming and killing people) your fine is a well-deserved \$1,000. But if you are an honest, humble short-term rental host who is no IT wizard and the bot found that you had a less-than-30 day stay setting deep in your AirBnb or VRBO listing that you were unaware of, the DPP will threaten you with a \$10,000 a day fine for your "crime!" The DPP's practice varies. Some of the (mostly elderly) people who inadvertently get themselves in the DPP's cross-hairs are given 7 days to cure (make things right). Others are given 5 days. Some are simply slapped with the \$10,000 per day fine with no time to cure. Victims of these practices have been unable to discern the logic for these inconsistent enforcement attempts.

If you want to appeal the DPP's decision, you must know the following, because nobody is going to tell you if you don't know enough to ask: 1. To appeal, you must write a letter to the Zoning Board of Appeals (ZBA), enclosing a \$400 fee in order to be heard. 2. You must find out the date your case will be heard. You may show up to your hearing or do it via zoom. 3. Since there aren't enough volunteers on the ZBA to have the quorum necessary to come to a legally binding decision, all the ZBA does now is postpone any decision-making to the following year. 4. If you ever get a decision against you (and who needs a \$10,000 a day fine hanging over their head?) and you can't come up with the money, a lien will be placed on your property. Not only that, but your ability to do ordinary transactions with the City and County government will be curtailed. No driver's license renewal. No new car registration renewal, and so forth. You may even lose your property to non-judicial foreclosure.

Knowing these things, I am certainly NOT in favor of having fine money go directly into the DPP's coffers.

The DPP should be held accountable for its lack of efficiency and productivity. The moneys destined for the DPP that go into the general fund should be doled out like an allowance to an unruly teenager. So many permits per month, so much money.

Again, NO on this measure, not only because at present there is no carrot to get the DPP moving in the right direction, but it seems to me a conflict of interest. Let's not foment any more gray ethics areas here.

Respectfully submitted,
Margaret Aurand

April 1st, 2024

Re: Bill 020(24)

Budget Meeting scheduled for April 2nd, 2024

To Whom it May Concern:

This Bill will give the very parties responsible for collecting penalties, the responsibility of imposing penalties. That is a huge conflict of interest.

Whether it is true or not, it will reinforce the perception of bias based on "It's all in who you know". In other words, penalties will not be given to favored groups, and will be given to unknown groups.

It can easily lead to pay offs and even blackmail.

This department could easily become wrought with fraud.

I oppose this Bill, and as my representatives, I urge you to do the same.

Thank you,

Karen Shimabukuro