

**BILL020(24)**  
**Testimony**

**MISC. COMM. 164**

COUNCIL

## **COUNCIL Meeting**

Meeting Date: Apr 17, 2024 @ 10:00 AM

Support: 1

Oppose: 43

I wish to comment: 0

Name: Robb Harding	Email: robbhardinghi@gmail.com	Zip: 96717
Representing: Self	Position: Oppose	Submitted: Apr 12, 2024 @ 11:50 AM
<p>Testimony:</p> <p>hi my name is Robb Harding, I'm a homeowner in Oahu.</p> <p>The house my wife and I purchased a few years ago in Oahu is our first home because we can't afford a home in our hometown where we both grew up. The housing market in Vancouver British Columbia is in a bubble and has been for the last five years. There are other housing markets like this in the United States that I would say are comparable, Hawaii isn't one of them. Although the prices of homes in Hawaii has gone up considerably, it's nothing compared to Vancouver, BC.</p> <p>the point I'd like to make is Vancouver British Columbia, along with many of the other cities that are comparable don't have an Airbnb in problem. They have a bureaucracy problem when it comes to the length of time it takes to build a house. What builder is willing to put up their personal financing when it takes years to get approval for build projects?</p> <p>Airbnb is less than 5% of the houses on the Hawaiian islands, this isn't a problem. Your problem is a housing shortage Banning Airbnb is not going to solve this issue unfortunately for your state.</p> <p>It will, however, cost the state, millions in lost tax revenue, millions in litigation.</p> <p>The amount of money you're going to lose and spend and the time it will take to fight this bill, why not just revamp your building and permitting regulations?</p> <p>My friend on the North Shore is saying it's taking almost 4 years to build his house up and Ppkea.</p> <p>Instead of stifling progression, why not encourage it in a way that brings tax dollars to the state and affordable housing to the residence. There's tons of land in Hawaii, but you guys just sit on your hands and talk about regulations, and set backs, and sms reports, and codes, and fill out these 50 forms and those forms, on and on we go...</p> <p>Pls understand airbnb isn't your issue. No study has said otherwise and at 5% occupancy it seems unlikely your housing crisis will be solved by doing this.</p> <p>Thanks</p> <p>Robb</p>		
Name: Patricia Rolland	Email: pkr@rolland.biz	Zip: 96791
Representing: Self	Position: Oppose	Submitted: Apr 12, 2024 @ 12:16 PM
<p>Testimony:</p> <p>Patricia Rolland 67-225 Kiapoko Street. Apt. A Waialua, HI 96791</p> <p>Regarding: Bill 20</p> <p>April 11, 2024</p> <p>I am opposed to Bill 20 as I believe it will create a conflict of interest since it will incentivize the department to pursue penalties aggressively for financial benefit, potentially compromising the impartiality and objectivity of the penalty enforcement.</p> <p>Sincerely, Patricia Rolland</p>		
Name:	Email:	Zip:

Patricia Lille	kimuggi@yahoo.com	96816
Representing: Self	Position: Oppose	Submitted: Apr 12, 2024 @ 12:20 PM
Testimony: This Bill creates a conflict of interest.		
Name: lois crozer	Email: lbc@hawaiiintel.net	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Apr 12, 2024 @ 01:09 PM
Testimony: This doesn't look right. If the DPP is ineffective, it can keep going back to the person submitting the plans to keep asking for revisions instead of being clear what it wants. The more miscommunication, the more money they will get for fines levied. The fines should NOT go back into it's own coffers because this is just setting this system up for abuse. Haven't we already heard enough about the DPP taking bribes and such? This is just asking for trouble.		
Name: George Heiligman	Email: protrade@teleport.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Apr 12, 2024 @ 01:19 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.  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: Gregg Fujimoto	Email: gregg.fujimoto@charter.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Apr 12, 2024 @ 02:04 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.  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: Kathleen Ochsenbein	Email: dhcondos@gmail.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Apr 12, 2024 @ 03:01 PM
Testimony: Hawaii has been named the most corrupt state in the nation. The DPP may top the list of our not so "honorable" distinction. Please do not pass this. The results could further this perception.		
Name: meetay moonay	Email: meticuloumsike@gmail.com	Zip: 96792

Representing: Self	Position: Oppose	Submitted: Apr 12, 2024 @ 03:08 PM
Testimony: On the backs of the little people who are trying to make ends meet - this bill will destroy our livelihoods and make us homeless!!!!		
Name: Gena Whitten	Email: genawhitten@gmail.com	Zip: 96731
Representing: Self	Position: Support	Submitted: Apr 12, 2024 @ 06:17 PM
Testimony: Many STVRs are operating illegally. STVR's cause huge impacts in neighborhoods and take affordable housing out of rental or sale market. These homes and properties are needed by local people and our working public. Illegal rentals should be shut down. Those who are operating without the required licenses should be shut down. Enforcing the laws takes man power and costs the city money. Yes the fees and fines collected should go to fund the operation of enforcement. I support the money being collected going to the DPP to pay employees and pay the costs of collection. This is not a conflict of interest. Those who are operating illegally are the cause of this needed operation and they should fund that cost. Thank you.		
Name: Michael Brant	Email: michaeljbrant@hotmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 12, 2024 @ 06:35 PM
Testimony: What other governmental agency can levy fines that go directly into its own account? An agency's funding is determined by appropriation, not how much they can rustle up using their own powers. This is a clear conflict of interest and DPP of all agencies has shown they are not functioning at a proper level to be granted this kind of authority. No!		
Name: Mike Jackson	Email: mikejacksonatlarge@gmail.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Apr 13, 2024 @ 07:16 AM
Testimony: This Bill would give far too much authority to the DPP, or any other government entity where there is serious question concerning fairness. This would 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.  Also, 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.  We know that the DPP has a clear record of bias, partiality, illegal acts		
Name: James Sasitorn	Email: james@sasitorn.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 13, 2024 @ 07:36 AM
Testimony: Aloha Chair, Vice Chair and Committee,  Regarding Bill 20, I would like to express my opposition on this Bill since it will create a conflict of interest by incentivizing the department to pursue penalties aggressively for its own financial benefit, potentially compromising the impartiality and objectivity of penalty enforcement.		

This arrangement can easily create the perception of bias or favoritism, raise questions about the fairness and transparency of penalty decisions, and ultimately undermine the public trust in the enforcement process.

I appreciate the opportunity to voice my opinion with you and I hope you'll spend the appropriate time necessary to properly vet this legislation. Mahalo.

James Sasitorn

Name: Cedar Kehoe	Email: cedarkehoe@gmail.com	Zip: 96791
Representing: Self	Position: Oppose	Submitted: Apr 13, 2024 @ 08:03 AM

Testimony:

Oppose: Bill 020(24) Opposing SB2919

Hearing Date: April 17, 2024 City Council Meeting

Topic: Res024-61 I Oppose

I am a senior and I used 30-day rentals to afford my home (in a residential area) and government is constantly increasing my costs and removing my ability to earn money. I will never rent long term; I keep my rooms for the adult offspring to visit from the mainland and I will never change that. Government involvement is forcing me to keep my rooms empty. After requiring 30 consecutive day rentals of the industry my unit are mostly empty as so many units on the island now rent for 30 days (they used to rent for less than 30 days but they blocked a month) but the enforcement efforts forced all those people to now rent 30 consecutive days. Now as a senior my income has dropped significantly. Renting my unit did not damage my residential area as I live here there are no parties; what I offered is important to the islands economy.

I once offered affordable short-term rentals to these types of guests here on island: people building the rail system, nurses, potato farmers, military people and emergency contractors that needed livable accommodations other than a hotel room. These new costs will limit the affordable, furnished temporary housing market for these residents and important visitors.

Changing rules after I purchased my home is not fair to seniors like me who live on site and who purchased assuming they could rent. If you want to hurt the economy this bill is guaranteed to do just that.

Cedar Kehoe  
808-425-0523  
68-003 Laau Paina Place  
Waialua, Oahu

Name: Shannon Heath	Email: sbheath@icloud.com	Zip: 96731
Representing: Self	Position: Oppose	Submitted: Apr 13, 2024 @ 01:47 PM

Testimony:

This seems like a conflict of interest.

Name: Margo Brower	Email: margobrower@msn.com	Zip: 96825
Representing: Self	Position: Oppose	Submitted: Apr 13, 2024 @ 01:53 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. Surely you do not wish to create a question of impropriety or corruption. This bill is wrong; vote "no".

Name: Suhyun Go	Email: suhyunhi620@gmail.com	Zip: 96818
Representing: Self	Position: Oppose	Submitted: Apr 13, 2024 @ 02:13 PM

Testimony:

I am writing to express my opposition to the recent Bill that proposes the allocation of civil penalty funds to the department responsible for imposing those penalties. As a community member, I am deeply concerned about the implications of such an arrangement on the fairness and objectivity of our enforcement institutions.

This Bill threatens to create a substantial conflict of interest. If the department stands to benefit financially from the penalties it imposes, there is an inherent risk that it will pursue these penalties more aggressively. Such a system would incentivize financial gain over justice and could lead to disproportionate penalties being levied on our community members.

Furthermore, the credibility of the department's enforcement actions is at stake. The public's trust in our regulatory bodies hinges on the belief that these institutions operate without bias or ulterior motives. By linking the department's funding to the penalties it collects, we risk eroding that trust and fostering a perception of bias, which is detrimental to the department's integrity and the justice system as a whole.

In conclusion, while the enforcement of regulations and the imposition of penalties are essential components of maintaining order and safety, it is crucial that these processes remain untainted by financial incentives. I urge you to consider the long-term effects that this Bill could have on the integrity of our enforcement processes and to seek alternative funding structures that preserve impartiality and public confidence.

Name: Gretchen Froerer	Email: gretchenmarie@me.com	Zip: 35802
Representing: Self	Position: Oppose	Submitted: Apr 14, 2024 @ 07:57 AM

Testimony:

It seems to me that 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.

Thank you  
Gretchen

Name: Tasia HEFFERNAN	Email: tas@heff.com.au	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 14, 2024 @ 06:39 PM

Name: Darlene Phillips	Email: doli@webtv.net	Zip: 95813
Representing: Self	Position: Oppose	Submitted: Apr 14, 2024 @ 07:33 PM

Testimony:

I oppose this as I feel that this is a conflict of interest. Needs to be fixed.

Name: Ralph Furley	Email: rffmail2007@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Apr 14, 2024 @ 09:16 PM

Testimony:

OPPOSE BILL20

So whenever I hear the words "corruption" and "incompetence" people on Oahu relate a three letter acronym = DPP. Did DPP come up with this ridiculous bill? To create a fund so they can do their job? Are you kidding me?

Due to DPP's awful reputation giving them an incentive to abuse their enforcement is adding fuel to the fire. Funding this hit squad is going to create a DPP gestapo intent in raiding homes and fining local residents of LUO that could easily end up costing homeowners tens of thousands of dollars to correct plus fines. This is a great gimmick to folks who are not familiar with volumes

and volumes of LUO regulations - many of which are currently under review because they are either unreasonable or even contradict other regulations.

Horrible. I do not know why we pay the City taxes to come up with such ridiculous bills.

Ralph Furley.

Name:

Richard Furgeson

Email:

janinarichard@gmail.com

Zip:

96734

Representing:

Self

Position:

Oppose

Submitted:

Apr 14, 2024 @ 09:24 PM

Testimony:

I oppose this bill20

Let me share you a real story about this manager at DPP who I consulted one day when I was trying to get my plans reviewed. I remember him well. All dressed in black (just like Johnny Cash) with a black fanny pack. His name was Wayne Inouye - yes the same "manager" who was convicted of a felony involving corruption.

Now you want to introduce a bill 20 allow DPP enforcement to fatten their pockets and incentive these intruders to go into peoples homes simply based on suspicions? I do not think the HPD Vice team has such a fund to find harden criminals but you want to allow that for a bunch DPP enforcers? DPP would be the very last govt entity for the very wrong reason to incentive.

STUPID BILL

Name:

Cecilia Gomez

Email:

ceciliagomezhawaii@gmail.com

Zip:

96734

Representing:

Self

Position:

Oppose

Submitted:

Apr 14, 2024 @ 09:45 PM

Testimony:

I oppose bill 20 because,

I am a single woman who is afraid these DPP inspectors could enter my home and possibly cite me for possible building violations I am not aware of. I know many homes in Hawaii have been passed down from family to family and I do not know enough about building codes to see what would get cited. I do not have a husband who can pay or fix if anything was not built correctly in my home..

Please dont burden me with any more hardships as my property taxes are high enough.

Cecilia

Name:

Patrick Riley

Email:

paradisepartners8164@gmail.com

Zip:

96734

Representing:

Self

Position:

Oppose

Submitted:

Apr 14, 2024 @ 09:51 PM

Testimony:

I oppose this bill 20

I am a contractor and have dealt enough with DPP inspectors not to trust them. I do not rent B&B nor TVU but know that big abuses this DPP will promote internally to deepen their pockets by issuing land use violations to ordinary residents. I know this will bring me more money but that is not the point. I have witness very many minor building issues that could consequently cost homeowners tens of thousands of dollars to correct let alone go through the DPP process. Just think about it DPP is so backlogged with existing permits and as a consequence of this bill 20 will pile even more permit processing work on the plans checkers!!

Are you guys for real and not thinking things through properly again?

Remember many residents despise DPP this will exacerbate the uproar by local residents.

Patrick

Name: Helena von Sydow	Email: helenavonsydow@gmail.com	Zip: 96731
Representing: Self	Position: Oppose	Submitted: Apr 14, 2024 @ 10:40 PM

Testimony:

Honorable Honolulu City Council

My concerns about Bill 20 raise important points about the potential consequences of its implementation. The establishment of a "planning and permitting fund" where revenues generated by fines and fees are deposited directly into the Department of Planning and Permitting (DPP) account does indeed introduce a significant risk of conflict of interest.

By incentivizing the department to aggressively pursue penalties for financial gain, there's a real danger that the impartiality and objectivity of penalty enforcement could be compromised. This could lead to a perception of bias or favoritism, eroding public trust in the enforcement process and casting doubt on the fairness and transparency of penalty decisions.

It's crucial for any regulatory system to prioritize integrity and fairness to maintain public confidence. Allocating civil penalties funds directly to the department responsible for imposing those penalties runs counter to these principles and could ultimately undermine the credibility of penalty enforcement processes in Hawaii.

These concerns should be carefully considered and addressed to ensure that any legislation enacted serves the best interests of the community while upholding the highest standards of accountability and transparency.

Thank you for your consideration

Helena von Sydow

Name: Harald von Sydow	Email: nztrendshi@gmail.com	Zip: 96731
Representing: Self	Position: Oppose	Submitted: Apr 14, 2024 @ 10:44 PM

Testimony:

Honorable Honolulu City Council

We oppose Bill 20 due to its proposal to establish a "planning and permitting fund," directing revenues from fines and fees straight into the Department of Planning and Permitting (DPP) account, instead of the general fund. This setup triggers concerns regarding potential conflicts of interest, as it might incentivize the DPP to aggressively pursue penalties for financial gain. Such a scenario jeopardizes the impartiality and objectivity of penalty enforcement.

Moreover, this arrangement could breed perceptions of bias or favoritism, shaking public trust in the enforcement process and casting shadows on the fairness and transparency of penalty decisions. In essence, allocating civil penalties funds to the very department responsible for imposing the penalties poses significant risks to the integrity and credibility of penalty enforcement processes in Hawaii. These concerns underscore the need for a thorough examination of the implications of Bill 20, ensuring that any legislation passed upholds the utmost standards of accountability and fairness within the community.

Thank you for your consideration

Harald von Sydow

Name: Karen Shimabukuro	Email: hawaii auntie@gmail.com	Zip: 96789-3538
Representing: Self	Position: Oppose	Submitted: Apr 15, 2024 @ 06:39 AM

Name:	Email:	Zip:
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lance ogiwara	shuko@lava.net	96822
Representing: Self	Position: Oppose	Submitted: Apr 15, 2024 @ 12:16 PM
Testimony: conflict of interest		
Name: Charles Stark	Email: starklaw@sonic.net	Zip: 96825
Representing: Self	Position: Oppose	Submitted: Apr 15, 2024 @ 12:30 PM
Testimony: This bill has no legitimacy. It will create a conflict of interest. If there are any fees or fines for regulating short term rentals, they should be deposited in the general fund to meet the highest ranked needs of the citizens. The cost of regulation of vacation rentals should be prioritized along with or combined with all other civic needs being funded. DPP already has integrity and performance problems, this bill would just invite more problems.		
Name: Brad Fieldson	Email: bbrad007@aol.com	Zip: 28012
Representing: Self	Position: Oppose	Submitted: Apr 15, 2024 @ 02:57 PM
Testimony: Bill- 20 as written is one of the most blatant and obvious conflict of interest I have seen in years.  As written Bill 20 seems to incentivize the department to pursue penalties aggressively for financial benefit, potentially compromising the impartiality and objectivity of penalty enforcement. I think it could open up litigation risks and bring other unwanted attention to DPP.  To sum up, the allocating civil penalties funds to the department responsible for imposing the penalties raises concerns of conflicts of interest, potentially impacting the integrity and credibility of penalty enforcement processes in Hawaii.		
Name: Thomas Raveney	Email: dopplaganger@hotmail.com	Zip: 96717
Representing: Self	Position: Oppose	Submitted: Apr 15, 2024 @ 03:06 PM
Testimony: A government entity that wishes to use funds from civil penalties to fund its operations in is a clear conflict of interest. This has been brought to contest in other states especially regarding police departments and the relationship between shortfalls in funding, overspending, and the relationship it takes with "penalty hunting". where a government agency seeks to "step up" its funding by extorting fees from the citizens. This has been deemed illegal in several states, giving precedence that this could also be federally contested. Can we stop putting an eye on Hawaii at a federal level by creating outrageous laws and ordinances that only gain more national attention, especially those that can be easily identified by transients who take the negativity of Hawaii back to their state so that other federal legislators can inspect our laws? Let's show some restraint in making laws that allow a governance agency to be run like a business with a target. This is a poor idea. Do you want to find more DPP? Try teaching the hotels more that pocket the profits, spend millions on lobbying for only their interest, but benefit none of the employees of the island with reasonable living wages and working conditions.		
Name: Georgia Nanasy	Email: gsncadle@gmail.com	Zip: 93402
Representing: Self	Position: Oppose	Submitted: Apr 15, 2024 @ 03:07 PM
Testimony: I don't believe that this bill will help any one and that it will do more harm then good		
Name:	Email:	Zip:

Michael Froerer	gogozippy@sbcglobal.net	35802
Representing: Self	Position: Oppose	Submitted: Apr 15, 2024 @ 04:31 PM
<p>Testimony:</p> <p>My wife and I are retired, living on a fixed income.</p> <p>We've owned our unit in The Waikiki Banyan for 15 years.</p> <p>This bill concerns because it opens the door to ethics violations, corruption, and at the very least, the appearance of a conflict of interest.</p> <p>For an agency's funding to be based on fines the agency imposes and collects is akin to the old quota system with traffic policemen. They had to write tickets regardless of merit thus losing the faith of the public as well as crossing ethical boundaries. If the legislature wants this agency to exist, then let the legislature fund it. To have an agency "pay for itself" thru imposed fines will result in unfair or unmerited fines. Corruption is almost guaranteed to occur. There will be bias in fines and again, the loss of public trust.</p> <p>I vehemently oppose this bill.</p> <p>Thank you for considering my comment.</p> <p>Aloha,</p> <p>Michael Froerer</p>		
Name: Michael Lawnsby	Email: lawnsby@gmail.com	Zip: 96816
Representing: Self	Position: Oppose	Submitted: Apr 15, 2024 @ 05:09 PM
<p>Testimony:</p> <p>This Bill proposed for the DPP to monitor and enforce penalties and fees for non compliant short term rentals creates a conflict of interest. Anytime there is a benefit surrounding the energy of collecting fees or revenue there is a bias that can be created. People should generally want to support a better Hawaii, to enforce equitable laws and not have any benefit monetarily to do so. Placing penalties and fees in a general fund will level the playing field for any one branch of the government to enforce such penalties so it does not create a bias or undermine the trust of the public.</p> <p>Lets keep things on the up and up objectively with an even playing field so nobody can manipulate the system for an unfair advantage or gain.</p> <p>respectfully</p> <p>Mike Lawnsby</p>		
Name: Natalie Iwasa	Email: iwasajunk@mail.com	Zip: 96825
Representing: Self	Position: Oppose	Submitted: Apr 15, 2024 @ 11:47 PM
Name: Scarlett Dooley	Email: denadooley@gmail.com	Zip: 30096
Representing: Self	Position: Oppose	Submitted: Apr 16, 2024 @ 04:52 AM
<p>Testimony:</p> <p>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.</p> <p>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.</p> <p>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.</p>		
Name:	Email:	Zip:

Mitch Maxwell	mitchatbt@aol.com	96707
Representing: Self	Position: Oppose	Submitted: Apr 16, 2024 @ 06:37 AM
<p>Testimony:</p> <p>I am shocked that this bill is even under consideration! The DPP has proven to be one of the most corrupt departments in the state...and that's saying something! How many DPP employees have been indicted for taking bribes? How many investigations have uncovered graft and corruption at the DPP? Now you want to give them more power, more control, and more money? This is insane! The public deserves better from elected officials. Stop the insanity!</p>		
Name: Jessica Dickie	Email: jessldickie@gmail.com	Zip: 98226
Representing: Self	Position: Oppose	Submitted: Apr 16, 2024 @ 07:02 AM
<p>Testimony:</p> <p>I oppose this bill</p>		
Name: Andrea Peter	Email: mmpeter@msn.com	Zip: 60605
Representing: Self	Position: Oppose	Submitted: Apr 16, 2024 @ 08:06 AM
<p>Testimony:</p> <p>Dear Representatives,</p> <p>This Bill will create a conflict of interests</p>		
Name: HOWARD HERZENBERG	Email: hherzenber@aol.com	Zip: 94306-4503
Representing: Self	Position: Oppose	Submitted: Apr 16, 2024 @ 09:40 AM
<p>Testimony:</p> <p>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. 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.</p>		
Name: Jon Darrow	Email: jbdarrow@gmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 16, 2024 @ 09:49 AM
<p>Testimony:</p> <p>Aloha Chair, Vice Chair and Committee,</p> <p>My name is Jon Darrow and I have a property in Hawaii.</p> <p>I am opposed to Bill 20</p> <p>I believe it is in the public's best interest to maintain fairness and transparency by having any fines or fees to be deposited into the general fund and not the DPP's fund. If passed, Bill 20 would certainly raise the public's concern in how these fines or fees would be assed and jeopardizes such decisions.</p> <p>Furthermore, I see no benefit in allowing the DPP to manage these funds over the General fund and believe it is best to not pass Bill 20.</p>		

Thank you for hearing my concerns

Jon Darrow

Name: Barbara DeBry	Email: barb.debry@gmail.com	Zip: 96731
Representing: Self	Position: Oppose	Submitted: Apr 16, 2024 @ 07:19 PM

Testimony:

To be honest reading this bill makes no sense. Civil penalties that simply erode the trust of the public. Hawaii...you deserve better than this.

Name: Bertrand Baud	Email: bbaud@hotmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 17, 2024 @ 12:37 AM

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.

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.

Name: Choon James	Email: ChoonJamesHawaii@gmail.com	Zip: 96762
Representing: Self	Position: Oppose	Submitted: Apr 17, 2024 @ 06:03 AM

Name: Richard Smith	Email: rick.britchsmith@gmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Apr 17, 2024 @ 08:12 AM

Testimony:

This is a conflict of interest.

**14<sup>th</sup> April , 2024**

Aloha,

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 of penalty enforcement. Arrangements like these could lead to a perception of bias, undermining public trust in the enforcement process. It needs to be fair and transparent of penalty decisions.

Allocating civil penalties funds to the department responsible for imposing the penalties can create conflicts of interest, potentially impacting the integrity and credibility of penalty enforcement processes in Hawaii.

Thank you for your consideration.

T Heffernan

April 1<sup>st</sup>, 2024

Re: Bill 020(24)

Budget Meeting scheduled for April 2<sup>nd</sup>, 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

TO: Members of the Honolulu City Council

FROM: Natalie Iwasa, CPA, CFE  
808-395-3233

DATE: Wednesday, April 17, 2024

SUBJECT: Bill 20, Planning and Permitting Fund - **OPPOSED**

Aloha Chair Waters and Councilmembers,

Thank you for allowing testimony on Bill 20, which would create a new planning and permitting fund. Fines and fees collected by the Department of Planning and Permitting (DPP) would be deposited into this fund and then used exclusively for the DPP.

This is poor fiscal policy, as it removes monies from the general fund, which are used to support the city's public services, and restricts them just to the DPP.

In addition, as others have pointed out, it sets up a conflict of interest within the department, because those assessing the fines would benefit by having them fund only their department.

**Please vote "no."**

# ORDER OF BUSINESS

REGULAR MEETING  
CITY COUNCIL CHAMBER  
20TH SESSION  
WEDNESDAY, APRIL 17, 2024  
10 A.M.

## STRONGLY OPPOSE Bill 20

*§ 6-.1 Creation and purpose. There is created and established a special fund to be known as the “planning and permitting fund.” The purpose of the fund is to provide for the deposit and expenditure of certain collected **fin**es and fees to be used*

Aloha Chair Waters and City Council members:

I’m flabbergasted and alarmed that this Bill 20 would gain this much traction. Who came up with this idea?

Here are a few quick concerns:

1. Supposing you could put DPP **collected fees** into a “SPECIAL FUND”. But, why? There are additional costs involved in starting and managing a “SPECIAL FUND”. How many “SPECIAL FUND” does this county need? Isn’t Bill 20 creating another fiefdom? What department would want a Special Fund next?
2. Collected **FINES**? Collecting and harboring fines should automatically be obvious huge flags hurling if you put the public interests first.
  - a. We never want to have the big arm of the government to control us and to give more opportunities for any government bureaucracy to oppress, bully or have a free hand in collecting and harboring the fines.

- b. It's bad enough that there are increasing fines imposed on residents of Oahu. It feels like the city is uncovering every nook and cranny to find more revenues.
- c. Oahu residents have little recourse because the modus operandi is that the government is always right and the public always wrong. If the public wants to argue that the government is wrong, residents have to hire expensive legal representation to protect themselves.
- d. This Bill 20 produces many unintended NEGATIVE consequences and diminishes welfare of Oahu residents. Fair or not, DPP is one of the most dysfunctional departments at City Hall.
- e. It's not too long ago that DPP employees were indicted and given jail time.
- f. Residents/building industry companies continue to have severe concerns with the management and actions at DPP.
- g. There continues to be complaints of unequal application of the law amongst cases of supposed "violations" and "fines".
- h. What is to prevent political mischief, bullying and retaliation at City Hall through DPP?
- i. What is to prevent growing pressures for DPP inspectors to have a fine quota because DPP needs more funding?
- j. There is just too much inherent conflict-of-interests in this dangerous bill. There remain too many unanswered questions.

- k. Bill 20 set up residents to become sitting ducks at DPP's whim and inclinations. Oahu is already facing increasing cultural clashes among neighbors.

Please kill Bill 20. It's not good governance.

Sincerely,

Choon James  
808 293 9111  
ChoonJamesHawaii@gmail.com

#### Bill Status

Voting Legend: \* = Aye w/Reservations

Date	Type	Description
03/18/2024	INTRO	Introduced.
03/25/2024	CCL	Passed first reading.  <b>7 AYES:</b> DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA*, WATERS, WEYER* <b>2 NOES:</b> CORDERO, TUPOLA
04/02/2024	BUD	Reported out for passage on second reading and scheduling of a public hearing.  CR-91  <b>4 AYES:</b> CORDERO*, KIA'ĀINA, SAY, TULBA <b>1 ABSENT:</b> WEYER
04/05/2024	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.



**HONOLULU CITY COUNCIL**  
*KE KANIHELA O KE KALANA O HONOLULU*  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_  
BILL **20(2024)**

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**A BILL FOR AN ORDINANCE**

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RELATING TO FINES, FEES, AND OTHER REVENUES OF THE DEPARTMENT OF PLANNING AND PERMITTING.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the revenues of the Department of Planning and Permitting.

SECTION 2. Chapter 6, Revised Ordinances of Honolulu 2021 ("Funds, Fees, and Loan Programs"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

**"ARTICLE \_\_: PLANNING AND PERMITTING FUND**

**§ 6-\_\_\_.1 Creation and purpose.**

There is created and established a special fund to be known as the "planning and permitting fund." The purpose of the fund is to provide for the deposit and expenditure of certain collected fines and fees to be used to enhance and support the activities of the department of planning and permitting.

**§ 6-\_\_\_.2 Deposit.**

Unless otherwise specified, there shall be deposited into the planning and permitting fund established by this article:

- (1) All fines and fees collected by the department of planning and permitting; and
- (2) Interest earned on the deposits of the planning and permitting fund.

**§ 6-\_\_\_.3 Expenditure.**

Moneys in the planning and permitting fund established by this article must be used exclusively to enhance and support the activities of the department of planning and permitting."



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 20(2024)

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**A BILL FOR AN ORDINANCE**

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SECTION 3. Section 18A-1.6, Revised Ordinances of Honolulu 2021 ("Erosion and sediment control plans"), is amended by amending subsection (d) to read as follows:

- "(d) Before accepting an erosion and sediment control plan for review, the director must collect an erosion and sediment plan review fee of \$250. If the director requires revisions or alterations to a proposed erosion and sediment control plan, a separate plan review fee of \$100 must be collected before review of the revised or amended erosion and sediment control plan. If development or land disturbing activities are commenced before approval of the related erosion and sediment control plan, the director must collect a double plan review fee for each erosion and sediment control plan reviewed by the department. All fees for erosion and sediment control plan review are to be deposited into the ~~[general fund-]~~ planning and permitting fund."

SECTION 4. Section 18A-2.4, Revised Ordinances of Honolulu 2021 ("Permit fees"), is amended by amending subsection (f) to read as follows:

- "(f) All permit fees are to be deposited into the ~~[highway fund-]~~ planning and permitting fund."

SECTION 5. Section 18A-4.8, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"§ 18A-4.8 Depository of civil penalties.**

Payments of civil penalties are to be deposited into ~~[a special account of the general fund, to be appropriately named by the department of budget and fiscal services-]~~ the planning and permitting fund and shall be used for expenses related to enforcement activities of the department of planning and permitting."

SECTION 6. In SECTIONS 3, 4, and 5, ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.




**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE  
BILL **20(2024)**

**A BILL FOR AN ORDINANCE**

SECTION 7. This ordinance takes effect upon its approval and applies to annual budget ordinances beginning July 1, \_\_\_\_ and thereafter.

INTRODUCED BY:

  
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DATE OF INTRODUCTION:

**MAR 18 2024**

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
RICK BLANGIARDI, Mayor  
City and County of Honolulu



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#### PRESS RELEASE

## Six Charged with Bribery Schemes for Official Acts at the Department of Planning and Permitting of the City and County of Honolulu

