BILL048(26)
Testimony

MISC. COMM. 276

COUNCIL

COUNCIL Meeting

Meeting Date: Jul 8, 2026 @ 10:00 AM

Support: 0

Oppose: 1

I wish to comment: 0

Name:	Email:	Zip:
Brett Kulbis	brett.kulbis@use.startmail.com	96706
Representing:	Position:	Submitted:
Self	Oppose	Jul 2, 2026 @ 11:18 AM

Testimony:

Chair Waters, and Members of the Council,

Aloha, my name is Brett Kulbis. I am a proud resident of ʻEwa Beach and a 26-year U.S. Navy veteran. As a concerned citizen who values limited government, fiscal responsibility, and real accountability to the people, I submit this testimony in strong opposition to Bill 48 (2026) as currently drafted.

Bill 48 would amend Revised Ordinances of Honolulu Section 2-39.2 so that the ordinance's mailed-notice requirement for proposed condemnation actions applies only to executive agencies and expressly does not apply to the Honolulu Authority for Rapid Transportation (HART).

The bill also states that this exemption is merely a clarification of existing law and would apply retroactively to October 21, 2016.

Eminent domain is one of the government’s strongest powers because it allows the forced taking of private property. That is why basic procedural protections, like advance mailed notice to owners and lessees, must be strengthened, not weakened.

Today, when the city seeks council authorization to condemn property, it must mail notice to every owner and lessee of record. Bill 48 would carve HART out of that protection, even though HART also uses condemnation to take property for rail. A property owner should not receive fewer protections simply because the condemning agency is labeled “semi-autonomous” rather than executive; if anything, an agency that is more insulated from voters should meet at least the same notice standards as any ordinary city department.

Bill 48 is especially troubling because it does not just change the rules going forward. It declares that the ordinance has always meant what HART now claims it meant, and then applies that interpretation back to 2016 to undo the impact of the recent Servco Pacific court ruling.

Retroactive legislation can strip owners and lessees of protections they reasonably believed they had under the plain text of the law and makes it look like the rules are being rewritten after the fact to validate past government actions. If the council believes HART should be treated differently, that decision should be made prospectively and with stronger safeguards for property owners, not by retroactively weakening their notice rights.

HART's related correspondence letter says the bill is needed because a court applied Section 2-39.2 to HART condemnation

actions contrary to HART's long-standing understanding. That is precisely why the better response is more transparency and clearer notice to the public, not less.

Mailed notice is a basic, commonsense protection. It gives owners and lessees a fair chance to understand what the government is seeking, consult counsel, prepare objections, and participate in the public process before condemnation moves forward.

For these reasons, Bill 48 should be rejected or amended to preserve the mailed-notice requirement for HART and to remove the retroactive effective date. The council should protect private property rights, due process, and public confidence by ensuring that all city-related condemnations are subject to clear and uniform notice requirements.

Respectfully submitted,

Brett Kulbis, Navy Veteran
Ewa Beach