

SB 2946

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

February 24, 2016
3:00 P.M.
CONFERENCE ROOM 224

**SENATE BILL NO. 2946 SD1
RELATING TO INDIGENOUS HAWAIIAN ARCHITECTURE**

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2946 SD1 that would authorize indigenous Hawaiian architecture on Agricultural District land to be used for farm worker housing. The Department of Agriculture agrees there is a need for more housing options but respectfully opposes this measure in its current form.

Senate Draft 1 adds a reference to Act 222, Session Laws of Hawaii 2007 that amended Section 46-1.55 (indigenous Hawaiian architecture). Act 222 required the counties to adopt ordinances to allow indigenous native Hawaiian architectural practices within their respective building codes by March 31, 2008. We note there is no mention of farming, agricultural activities, farm dwelling, or employee housing in this section.

In the current bill, the physical characteristics that comprise indigenous Hawaiian architecture structure are described in detail (page 2, line 20 to page 3, line 7). Then, within the same paragraph, these structures are limited to "...land that is used for farming operations as defined in section 165-2..." (Bill, page 3, lines 7-8) which is the Hawaii Right-to-Farm law, and these structures are to be included "...for use as residential structures for farm workers." (Bill, page 3, lines 8-9). If the indigenous Hawaii architecture structures do not qualify as farm dwellings or employee housing as provided for in Section 205-4.5(a)(4), we oppose the inclusion of the aforementioned language on page 3, lines 7-9.

The Department of Agriculture opposes the proposed amendments to sections 205-2(d) (page 5 lines 4-5) and 205-4.5(a) (page 20, lines 14-15) that would allow indigenous Hawaiian architectural structures as permitted uses on all Agricultural



District land and do not qualify as farm dwellings or employee housing as provided for in Section 205-4.5(a)(4).

Specifically, Section 205-4.5(a)(4) states that:

"(4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry. "Farm dwelling", as used in this paragraph, means a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling;"

Thank you for the opportunity to submit our testimony.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

February 24, 2016

The Honorable Mike Gabbard, Chair
and Members of the Committee on Water,
Land, and Agriculture
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Gabbard and Members:

Subject: Senate Bill No. 2946, SD1
Relating to Indigenous Hawaiian Architecture

The Department of Planning and Permitting (DPP) continues to **oppose** Senate Bill No. 2946, in its revised form, which would require the counties to adopt building codes that allow residential and other structures reflecting indigenous Hawaiian architecture to be constructed on land used for farming operations.

Honolulu's building code already includes comprehensive provisions for indigenous Hawaiian architecture, including roofs with thatching materials, provided they meet the zoning code.

This measure would allow indigenous architectural structures for any use so long as they are located on lands used for farming operations. That could lead to unintended consequences, creating fire hazards for nearby businesses and homes. For example, if a residential lot is being used for farming and an indigenous Hawaiian architectural building is constructed for storing hazardous chemicals, what protections would be implemented to prevent the adverse effects of a catastrophic spill and resulting hazardous fumes on surrounding residences? In addition, indigenous architecture could change the character of a neighborhood since they could be located on any lot used for farming operations, regardless of zoning.

We also note that references to indigenous Hawaiian architecture are not a "permitted use" per se, but a type of building design. Farm worker housing is already

The Honorable Mike Gabbard, Chair
and Members of the Committee on Water, Land,
and Agriculture
Hawaii State Senate
Hawaii State Capitol
Re: Senate Bill No. 2946, SD1
February 24, 2016
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listed as permitted under Chapter 205, HRS. Therefore, it is not appropriate to add indigenous architecture as a "permitted use."

In short, we believe Senate Bill 2946, SD1, is unnecessary. Please hold this measure.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in blue ink that reads "George I. Atta". The signature is written in a cursive style with a large initial "G".

George I. Atta, FAICP
Director

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for SB2946 on Feb 24, 2016 15:00PM
Date: Monday, February 22, 2016 7:26:37 AM

SB2946

Submitted on: 2/22/2016

Testimony for WLA on Feb 24, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We STRONGLY SUPPORT this common sense bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: begoniabarry@gmail.com
Subject: Submitted testimony for SB2946 on Feb 24, 2016 15:00PM
Date: Tuesday, February 23, 2016 11:46:50 AM

SB2946

Submitted on: 2/23/2016

Testimony for WLA on Feb 24, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Support	No

Comments: Aloha, I strongly support this Bill. Please pass it without delay, Mahalo.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: danamalina@yahoo.com
Subject: *Submitted testimony for SB2946 on Feb 24, 2016 15:00PM*
Date: Tuesday, February 23, 2016 12:57:40 PM

SB2946

Submitted on: 2/23/2016

Testimony for WLA on Feb 24, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Keawe	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: dkapua@gmail.com
Subject: Submitted testimony for SB2946 on Feb 24, 2016 15:00PM
Date: Saturday, February 20, 2016 11:08:27 PM

SB2946

Submitted on: 2/20/2016

Testimony for WLA on Feb 24, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Support	No

Comments: Aloha kakou, I FULLY SUPPORT and request PASSAGE of SB 2946 - RELATING TO INDIGENOUS HAWAIIAN ARCHITECTURE. Requires each county to adopt ordinances to authorize indigenous native Hawaiian architectural practices and materials in the county's building code for agricultural lands that are to be used for farming operations, including farm worker housing. (SB2946 SD1) Hawaiian's built homes and other structures with natural resources that withstood much of Hawaii's nature and environment. With the implementation of some technological advances (utilities) our traditional builders are capable of producing strong safe residential and utility Hawaiian hale for today's purposes. In addition, our people need alternatives to the unattainable cost of housing and increasing numbers of "houselessness"; all options of safe shelter should be considered and permitted. Mahalo for your consideration and passage of SB 2946. Me ka ha'aha'a, Kapua Keliikoa-Kamai Concerned Wai'anae Resident

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February 23, 2016

Re: **Support to SB 2946 SD1**: that requires each county to adopt ordinances to authorize indigenous native Hawaiian architectural practices and materials in the county's building code for agricultural lands that are to be used for farming operations, including farm worker housing. (SD1)

Dear Senators and Committee,

My name is Jon Keali'i Inciong and I am currently in my third and final year in the Master of Social Work Program through the University of Hawaii at Manoa Distance Education Program. My concentration focuses on Child & Family.

Last year while doing research for a class in the Master of Social Work Program. I have built a rapport with a community of homeless families (which they wish to be called "houseless") that resides at Kanaha Beach Park. These specific families that resides at Kanaha Beach Park were documented on the front page of Maui News dated December 26, 2015 an article titled: 'Houseless' on the holidays.

Majority of the families are of Hawaiian or of Polynesian ethnicity. While having many discussions with these families. Currently, majority of these families finds that SB 2946 SD1, and SB 3059 SD1 as a remedy and also culturally appropriate.

This past November while taking middle and high school students out to Hana on a cultural outing to attend the Limu Fest. We had an honor of camping-over three days and two nights at a hale that Francis Sinenci built and cares for. This hale was sturdy against the ocean winds as well as providing shade during the days.

I have also traveled with the University of Hawaii to New Zealand and was housed in a Maori "Marae" (traditional communal meeting house). Since then, I have always felt that the cultural vitality would be revitalized through a parallel Bill as SB 2946 SD1.

Therefore, on behalf of the children and their families at Kanaha Beach Park on Maui as well as myself, I want to take this time to voice my **Strong Support to SB2946 SD1**.

Thank you for your time and consideration.

Mahalo & Sincerely,

Jon Keali'i Inciong
MSW Distance Education Student
Maui, MSW DE Cohort 5

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Salinascki@gmail.com
Subject: *Submitted testimony for SB2946 on Feb 24, 2016 15:00PM*
Date: Tuesday, February 23, 2016 11:22:21 AM

SB2946

Submitted on: 2/23/2016

Testimony for WLA on Feb 24, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kimberly crawford	Individual	Support	No

Comments:

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Cc: scott@aloha.net
Subject: *Submitted testimony for SB2946 on Feb 24, 2016 15:00PM*
Date: Tuesday, February 23, 2016 11:53:37 AM

SB2946

Submitted on: 2/23/2016

Testimony for WLA on Feb 24, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Crawford	Individual	Support	No

Comments:

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