

MAR 14 2007

## SENATE RESOLUTION

EXPRESSING THE SENSE OF THE LEGISLATURE THAT THE STATE SHOULD  
IMMEDIATELY COMMENCE EMINENT DOMAIN PROCEEDINGS FOR KUKUI  
GARDENS.

1 WHEREAS, Kukui Gardens is a large, affordable housing  
2 complex located on twenty-two acres of land in Palama, City and  
3 County of Honolulu; and

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5 WHEREAS, Kukui Gardens is comprised of eight hundred fifty-  
6 seven affordable units, housing approximately two thousand five  
7 hundred residents; and

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9 WHEREAS, because the United States Department of Housing  
10 and Urban Development assisted in financing the development of  
11 the Kukui Gardens complex, there was a condition that the lease  
12 rents meet certain affordability levels for a minimum of forty  
13 years; and

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15 WHEREAS, the forty-year period expires on May 1, 2011; and

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17 WHEREAS, in January 2006, the joint legislative housing and  
18 homeless task force expressed concern that the inventory of  
19 affordable housing in Hawaii was being reduced; and

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21 WHEREAS, on July 7, 2006, Governor Lingle signed House Bill  
22 No. 2239, C.D. 1, into law as Act 288; and

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24 WHEREAS, Act 288, required the State to immediately begin  
25 negotiations with the owner of Kukui Gardens, Kukui Gardens  
26 Corporation, to either extend the affordability restrictions an  
27 additional five years beyond the May 1, 2011, date or acquire  
28 the property; and

29  
30 WHEREAS, Act 288 further requires that if neither of the  
31 foregoing objectives can be accomplished within a reasonable  
32 time, the State shall exercise its power of eminent domain to  
33 acquire Kukui Gardens and use it for the public purpose of  
34 providing affordable workforce housing; and



1  
2 WHEREAS, other factors being equal, the value of Kukui  
3 Gardens will increase as the date of the end of the  
4 affordability restrictions approaches on May 1, 2011; and  
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6 WHEREAS, it is in the best interest of all residents of the  
7 State to maintain a supply of affordable housing units; now,  
8 therefore,  
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10 BE IT RESOLVED by the Senate of the Twenty-fourth  
11 Legislature of the State of Hawaii, Regular Session of 2007,  
12 that it is the sense of this body that a reasonable time has  
13 elapsed under the language of Act 288 for negotiating either a  
14 five-year extension of the affordability restrictions at Kukui  
15 Gardens or acquiring it; and  
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17 BE IT FURTHER RESOLVED that it is the sense of this body  
18 that the State should immediately exercise its power of eminent  
19 domain and commence condemnation proceedings to acquire Kukui  
20 Gardens; and  
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22 BE IT FURTHER RESOLVED that a certified copy of this  
23 Resolution be transmitted to the Governor.  
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OFFERED BY: Shiranne Chun Oakland

