

MAR 14 2007

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT ADMINISTRATIVE
RULES TO INCLUDE CATCHMENT WATER SYSTEMS WITHIN ITS
REGULATORY FRAMEWORK.

1 WHEREAS, United State Department of Agriculture Rural
2 Development Loan Program is committed to helping improve the
3 economy and quality of life in all of rural America; and
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5 WHEREAS, the Rural Development Loan Program provides
6 section 502 loans, which are primarily used to help low-income
7 individuals or households purchase homes in rural areas that are
8 modest in size, design, and cost, but the funds can also be used
9 for construction, repair, renovation, or relocation of a home;
10 and
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12 WHEREAS, an applicant for the thirty year loan may have an
13 income of up to one hundred fifteen per cent of the median
14 income for the area the applicant resides in; and
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16 WHEREAS, under title 7, section 1980.313(c), Code of
17 Federal Regulations, the tract of land for which a loan is to
18 made must be served by a water and wastewater disposal system
19 that is approved by a state or local government agency; and
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21 WHEREAS, except for the City of Hilo, all of the land in
22 the County of Hawaii is considered rural, where there is an
23 extreme shortage of affordable housing units to serve households
24 that may consist of elderly or disabled individuals, or single-
25 parent families; and
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27 WHEREAS, individuals and families living in Puna and Ka'u,
28 and other outlying areas, rely on catchment water systems to
29 store and provide water for their daily personal and household
30 needs because they are unable to enjoy the benefits from being
31 piped into municipal water systems due to their rural location;
32 and
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34 WHEREAS, although they live in rural areas and could
35 benefit from applying for and obtaining section 502 loans from



1 the Rural Development Loan Program, these individuals and
2 families do not qualify for this type of loan because the area
3 in which they live is not piped into a water system that is
4 approved by a state or local government agency, as required
5 under title 7, section 1980.313(c), Code of Federal Regulations;
6 and

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8 WHEREAS, existing administrative rules adopted by the
9 Department of Health under title 11, Hawaii Administrative
10 Rules, and regulations adopted by the County of Hawaii
11 Department of Water Supply do not apply to or regulate catchment
12 water systems, like those used in Puna and Ka`u; and

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14 WHEREAS, under section 321-10, Hawaii Revised Statutes, the
15 Department of Health is authorized to adopt rules pursuant to
16 chapter 91, Hawaii Revised Statutes to carry out the purposes,
17 objectives, and duties of the Department; and

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19 WHEREAS, the adoption of administrative rules to include
20 catchment water systems that serve and provide water to homes
21 located in rural areas in the State, such as Puna and Ka`u, will
22 enable individuals to be eligible for Rural Development section
23 502 loans, and increase the availability and production of
24 affordable housing units in these areas with minimal expenditure
25 of state funds; now, therefore

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27 BE IT RESOLVED by the Senate of the Twenty-fourth
28 Legislature of the State of Hawaii, Regular Session of 2007,
29 that the Department of Health is requested to adopt
30 administrative rules to include provisions for the regulation
31 and Department approval of catchment water systems that serve
32 and provide water for daily and household requirements in rural
33 areas; and

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35 BE IT FURTHER RESOLVED that the Director of Health is
36 requested to cooperate and coordinate with the State Director of
37 the United States Department of Agriculture's Hawaii State Rural
38 Development Office to adopt, amend, and finalize any
39 administrative rules necessary to facilitate the eligibility of
40 catchment water systems for Rural Development section 502 loans;
41 and

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43 BE IT FURTHER RESOLVED the Department of Health is
44 requested to submit written report of its findings and



recommendations, any proposed legislation, and the rules that were adopted in response to this Resolution, to the Legislature no later than twenty days before the convening of the 2008 regular session; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of Health and the State Director of the United States Department of Agriculture's Hawaii State Rural Development Office.

OFFERED BY:

Bruce K. Keli

4. Colin Gosh
April 17, 2008

Heather J.
Emmanuelle Chun Oakland

Guinn

Chris Hee

Ray L. Fawcett

W. S. D. J.
Dennis D. D. D.

