

TESTIMONY
HCR 34
LATE

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HCR 34; 1
Approving or Authorizing the Sale of Certain Lands
Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

April 15, 2010

3:40 p.m.

Room: 224

The Office of Hawaiian Affairs (OHA) **OPPOSES** HCR 34; 1, which approve or authorize the sale of certain lands. These resolutions were all offered for consideration by the Legislature in accordance with Act 176, Session Laws of Hawai'i 2009. Among other things, Act 176 requires a two-thirds majority vote of both houses of the Legislature before any specific lands controlled by the State can be sold (this includes but is not limited to ceded lands).

OHA holds the position that the state cannot reduce the ceded lands corpus until the Native Hawaiian people's claim to ceded lands has been resolved, which has not yet occurred. One of the problems with these Act 176 resolutions before the Committee is that they lack adequate information as to the ceded lands status of the parcels proposed for sale. Even the resolutions that declare the land to be non-ceded do not provide clear and detailed information as to how that status was determined. The lack of information leaves OHA, our beneficiaries, and the general public in the dark about the impact these resolutions will have on the ceded lands corpus.

Possibly certain determinations of ceded lands status were made using the State Lands Information Management System (SLIMS) database, which the Department of Land and Natural Resources uses to verify the ceded lands status of parcels. However, we are not confident enough in the accuracy of SLIMS to rely on it in making a final determination on whether a parcel is indeed ceded lands or not. We note that the DLNR itself has acknowledged the limitations of this database.

Thank you for the opportunity to testify.



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Via Capitol Website

April 15, 2010

Senate Committee on Water, Land, Agriculture and Hawaiian Affairs
Hearing Date: Thursday, April 15, 2010 at 3:40 p.m. in CR 224

**Support of House Concurrent Resolution 34
Approving the Fee Simple Sale of Kekuilani Village 4, the Villages of
Kapolei, Kapolei, Hawaii.**

The Honorable Chair Clayton Hee, Vice Chair Jill Tokuda and Members of the Senate Committee on Water, Land, Agriculture and Hawaiian Affairs,

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to express its testimony **in support** of House Concurrent Resolution 34 (HCR 34), which will approve the fee simple sale of the Hawaii Housing Finance and Development's (HHFDC) fee simple sale of Kekuilani Village 4 of the Villages of Kapolei, Hawaii to Castle and Cooke Homes, Hawaii, Inc., the developer awarded through the Request for Proposal selection process.

HCR 34. Kekuilani Village 4 consists of 35 non-ceded single-family cluster lots totaling 2.490 acres, as well as 0.362 acres of shared driveways in Kapolei. Castle and Cook Homes Hawaii, Inc., used the request for proposal procurement method and has executed a development agreement to develop 35 single family cluster homes.

Background. Act 176 (SLH 2009), Section 171-64.7(c), Hawaii Revised Statutes, requires that the following information be provided in order to obtain legislative approval of the sale of state lands, specifically:

- (1) The location and area of the parcels of land to be sold or given;
- (2) The appraisal value of the land to be sold or given;
- (3) The names of all appraisers performing appraisals of the land to be sold or given;
- (4) The date of the appraisal valuation;
- (5) The purpose for which the land is being sold or given; and

- (6) A detailed summary of any development plans for the land to be sold or given.

LURF's Position. LURF is **in support** of HCR 34 because it will afford qualified buyers the opportunity to own their own home. HHFDC has satisfied all requirements under Act 176 as evident in HCR 34, including the appraisal value, name of all appraisers, development plans for the project, and public hearing process. HHFDC did not receive any objection to the proposed sale of the subject properties at the December 16, 2009 public informational briefing.

The approval of this sale is significant as it will provide 35 qualified families the opportunity to buy a home. The State recognizes that the need for more affordable housing in Hawaii remains a significant problem affecting all segments of society and this Resolution offers a solution to that problem.

Thank you for this opportunity to offer our testimony **in support of HCR 34.**

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