

NEIL ABERCROMBIE  
GOVERNOR



KAREN SEDDON  
EXECUTIVE DIRECTOR

**STATE OF HAWAII**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
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IN REPLY REFER TO:

Statement of  
**Karen Seddon**  
Hawaii Housing Finance and Development Corporation  
Before the

**HOUSE COMMITTEE ON HOUSING**  
**HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES**

February 1, 2012 at 8:30 a.m.  
Room 325, State Capitol

In consideration of  
**H.B. 2142 RELATING TO AFFORDABLE HOUSING.**

HHFDC ***supports the intent*** of H.B. 2142, and believes that former school facilities that are suitably located could be good opportunities for affordable housing development. However, we defer to the Department of Land and Natural Resources over the authority to set aside state lands for specific purposes.

We also note that the newly-created Public Land Development Corporation, administratively attached to the Department of Land and Natural Resources, was charged with responsibility for determining the appropriate development uses of state lands, including the lands no longer needed by the Department of Education for school facilities. We look forward to working with the Public Land Development Corporation on any and all opportunities for affordable housing development on state land.

Thank you for the opportunity to testify.

**Date:** 02/01/2012

**Committee:** House Housing/Water, Land, & Ocean Resources

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** HB 2142 RELATING TO AFFORDABLE HOUSING

**Purpose of Bill:** Requires the DOE to convey closed public school facilities to the HHFDC for development of affordable rental housing units.

**Department's Position:** The Department of Education does not support this bill.

This bill would require the Board of Education (BOE) to convey the real property interest of the land of a closed school to the Hawaii Housing Finance and Development Corporation (HHFDC) on school closure.

Many of the Department of Education's (DOE) schools reside on land owned by one of the counties. In such a case, on school closure, the land should revert back to the respective county's jurisdiction. As the State does not own the real property interest in county-owned land, the State cannot convey the real property interest to HHFDC.

Even if the land underlying a closed school is owned by the State, the DOE does not directly own land, and the BOE does not have the authority to convey the real property interest of that land to another agency or entity. Instead, such action falls under the jurisdiction of the Board of Land and Natural Resources.

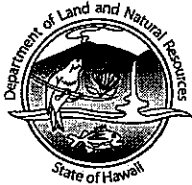
Finally, Act 144, SLH 2010, requires the DOE to consider allowing charter schools to use the land and facilities of a closed school. Under

the proposed bill, charter schools may not have this opportunity.

For these reasons, the DOE respectfully requests that this bill be held.

Thank you for the opportunity to submit testimony.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committees on  
HOUSING  
and  
WATER, LAND & OCEAN RESOURCES**

**February 1, 2012  
8:30AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 2142  
RELATING TO AFFORDABLE HOUSING**

House Bill 2142 proposes to require the Board of Education ("BOE") to convey title of the land used for a public school facility upon its closure to the Hawaii Housing Finance and Development Corporation ("HHFDC") for the purpose of developing affordable rental housing. The Department of Land and Natural Resources (Department) appreciates the intent but has concerns regarding this bill.

According to Section 171-11, Hawaii Revised Statutes, "[w]henever lands set aside for a public purpose to the various departments and agencies of the State, or to any city and county, county, or other political subdivisions of the State, or to the United States, are not being utilized or required for the public purpose stated, the order setting aside the lands shall be withdrawn and the lands shall be returned to the department." The authority to approve the transfer of title to public lands statutorily rests with the Board of Land and Natural Resources ("BLNR"), and usually starts from a request for use of lands by an entity or government agency such as HHFDC's staff and their Board, and decided only after being presented to the BLNR in an open meeting (open to public testimony for or against, and comments, questions or concerns) under the sunshine law.

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
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PETER B. CARLISLE  
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DOUGLAS S. CHIN  
MANAGING DIRECTOR  
CHRYSTN K. A. EADS  
DEPUTY MANAGING DIRECTOR

February 1, 2012

Honorable Rida T.R. Cabanilla, Chair, and Members  
Committee on Housing  
Honorable Jerry L. Chang, Chair, and Members  
Committee on Water, Land, and Ocean Resources  
House of Representatives  
Twenty Sixth Legislature  
Regular Session of 2012  
State of Hawaii

**RE Testimony In Opposition to H.B. 2142, Relating to Affordable Housing**

H.B. 2142 Requires the Department of Education to convey closed public school facilities to the HHFDC for development of affordable rental housing units. The City and County of Honolulu opposes this measure.

Many public school sites are owned in fee by the City and County of Honolulu and were conveyed via Executive Order to the State of Hawaii for the limited purpose of public education. It is position of the City and County of Honolulu that ownership and control of City-owned properties underlying closed public school facilities should revert back to the City as the rightful owner of these properties, with the City making the final decision on their future use. Absent a provision exempting City-owned properties from this measure, we respectfully request that H.B. 2142 be held.

Thank you for the opportunity to provide this testimony.

A handwritten signature in black ink that reads "Lori S. Nishimura".

Lori S. Nishimura  
Executive Assistant  
Office of the Managing Director