



HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY



KAKA  
KALAELOA

Neil Abercrombie  
Governor

Brian Lee  
Chairperson

Anthony J. H. Ching  
Executive Director

461 Cooke Street  
Honolulu, Hawaii  
96813

Telephone  
(808) 594-0300

Facsimile  
(808) 594-0299

E-Mail  
contact@hcdaweb.org

Web site  
www.hcdaweb.org

STATEMENT OF  
ANTHONY J. H. CHING, EXECUTIVE DIRECTOR  
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE  
HOUSE COMMITTEE ON FINANCE

ON

Wednesday, February 26, 2014

2:00 P.M.

State Capitol, Conference Room 308

in consideration of

**H. B. 1863, H. D. 1 – RELATING TO THE HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY.**

**Purpose:** Authorizes suits against the Hawaii Community Development Authority (HCDA) for violations of its required duties.

**Position:** I provide the following comments with respect to authorizing any person to commence a civil suit against the Authority. These comments represent my own position and not that of the Authority as I have not had the opportunity to elicit their thoughts and collective response.

**No Findings to Support Amendments.** There are no findings indicating the problem that the legislation seeks to fix or provide justification for this proposal.

**Defer to the Attorney General's Office (AG).** I defer to the AG's office with respect to the merits of authorizing any person to act as an attorney general and bring suit against the HCDA. However, I offer the following comments.

Testimony reflects the view and position of the Executive Director and not that of the Authority.

- I believe that the proposal should more precisely define what “failure to perform any act or duty required under this part” constitutes. As currently constructed, it would allow any act or omission to justify a civil suit. The specter and cost associated with the agency having to defend against frivolous action being taken is not justified.
- The proposal offers no specification for the time frame or deadline for a civil suit to be filed and therefore calls into question past, present and future actions.
- Clarification regarding the provision “no action may be commenced prior to sixty days after the plaintiff has given written notice of the alleged violation to the authority” is needed. It is also unclear whether past actions can be challenged in this manner without specification of time frame or deadlines.

I believe that without the benefit of findings supporting the proposal and the serious lack of logic, clarity and time frame that this proposal should be deferred. Thank you for the opportunity to provide these comments.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2014**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1863, H.D. 1, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Wednesday, February 26, 2014                      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Lori N. Tanigawa, Deputy Attorney General

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Chair Luke and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of the bill is to authorize any person to bring suit against the Hawaii Community Development Authority (HCDA) if HCDA fails to perform any required act or duty.

On page 1, lines 4-12, the bill amends part II of chapter 206E, Hawaii Revised Statutes (HRS), to include a new section that provides in relevant part:

**§206E-\_\_ Right of action.** (a) Any person, acting as a private attorney general, may commence a civil suit on the person's behalf against the authority if the authority has failed to perform any act or duty required under this part.

(b) The circuit courts shall have jurisdiction to:

- (1) Enforce this part;
- (2) Order the authority to perform any act or duty required under this part; and
- (3) Apply any appropriate civil penalties.

We have several concerns. First, this provision is unnecessary. A means of redress already exists. A person aggrieved by an action or decision of HCDA may seek declaratory judgment or injunctive relief.

Second, the provision that "any person" may bring suit is too broad (page 1, line 4). Standing should only be conferred on those persons who are actually aggrieved by an action or decision of HCDA. If standing to sue is not given any meaningful limitations, it will likely result in a significant increase in costly lawsuits by individuals who may not be personally affected by the HCDA's actions.

Third, the phrase "acting as a private attorney general" is confusing (page 1, line 5). This suggests that the person is not suing on his/her individual behalf, but rather represents a public interest. We therefore recommend that the phrase "acting as a private attorney general" be eliminated.

Fourth, the new section does not provide for a time within which a person must commence a civil suit. There should be a deadline imposed so that finality of the agency's actions can at some point be established. Failure to do so could encourage persons to file suit years after the relevant decisions have been made, which will result in costly delays. We therefore recommend that, if the Committee is inclined to pass this bill, the bill be amended to include a filing deadline of 30 days after HCDA fails to perform any required act or duty for which the person is aggrieved.

Fifth, allowing a person to bring suit against HCDA may be construed as an implied waiver of sovereign immunity. Implied waivers of sovereign immunity are generally disfavored as a matter of law. If, despite that, this bill is interpreted to impliedly waive the State's sovereign immunity, the State could be held liable for costly monetary damages. We therefore recommend that, if the Committee is inclined to pass this bill, the bill be amended to allow a person to bring suit against the head of HCDA for prospective injunctive or declaratory relief only. If the standing is limited to aggrieved persons as noted above, limiting the bill in this fashion would lessen some of the problems we note above.

Lastly, it is unclear exactly who would be able to collect the civil penalties applied to HCDA. A civil penalty is typically paid to the enforcing entity. We therefore recommend that the bill be amended to eliminate civil penalties.

We respectfully ask that this bill be held or, if the Committee is inclined to pass this bill, we recommend that appropriate amendments be made.



# KAMEHAMEHA SCHOOLS

February 25, 2014

## WRITTEN TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

By

Walter F. Thoemmes III, Chief of Staff  
Kamehameha Schools

Hearing Date: February 26, 2014  
2:00 p.m. Conference Room 308

To: Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair  
Representative Aaron Ling Johanson, Vice Chair  
Members of the House Committee on Finance

**RE: Comments for House Bill No. 1863 Relating to the Hawaii Community Development Authority (the “Bill”)**

Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson and members of the House Committee,

As an organization dedicated to the education of Native Hawaiians, and longtime steward of legacy lands to perpetuate that mission, Kamehameha Schools (KS) provides the following testimony **objecting** to the Bill.

KS has spent years and valuable resources developing the Kaiāulu ‘O Kaka‘ako Master Plan (the “Master Plan”) for its legacy lands. The Master Plan is more than a set of zoning rules. Instead, it is a plan of holistic and comprehensive development framed by careful study, extensive community input and a commitment to stewardship of our lands in Kaka‘ako. The Master Plan was developed in concert with extensive stakeholder meetings and workshops with representatives from the Kaka‘ako Improvement Association, the Kaka‘ako Neighborhood Board, Enterprise Honolulu and the Hawaii Community Development Authority (“HCDA”) solicitation and input over the last ten years. Prior to KS’ Master Plan application submission to HCDA in November 2008, KS met with HCDA staff, planning professionals, and its greater community to develop the Master Plan. Since then, the public had the opportunity to comment on KS’ Master Plan. HCDA took formal action to ensure public input on the plan including (1) mailing almost 12,000 flyers to persons on its “Connections” list, (2) posting the Master Plan on its website, (3) inviting comments from the public through an on-line site and a telephone comment line, (4) holding a community meeting for additional public input, (5) working with KS to address public comments, (6) conducting a contested case hearing (noticed and open to the public), and (7) holding a public hearing for final decision making.

Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair  
Representative Aaron Ling Johanson, Vice Chair  
Members of the House Committee on Water and Land  
February 25, 2014  
Page 2

By September 2009, when the Master Plan was adopted, the public had the opportunity to review and comment on the Master Plan for more than nine months and HCDA provided numerous comments to KS on changes to the Master Plan to address public input.

Adding an extraordinary procedural hurdle that could mire development in endless litigation against HDCA on mere allegations is not justified. This Bill casts uncertainty on KS' multi-year efforts to deliver housing alternatives in the urban core in reliance on the Master Plan. Therefore, KS respectfully opposes this Bill.

Thank you for the opportunity to provide our comments on this Bill.



# Chamber of Commerce HAWAII

*The Voice of Business*

**Testimony to the House Committee on Finance  
Wednesday, February 26, 2014 at 2:00 P.M.  
State Capitol - Conference Room 308**

**RE: HOUSE BILL 1863, HDI RELATING TO THE HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY**

Chair Luke, Vice Chairs Nishimoto and Johanson, and members of the committee:

The Chamber **opposes** HB 1863, HD1 Relating to the Hawaii Community Development Authority.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the “Voice of Business” in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state’s economic climate and to foster positive action on issues of common concern.

We understand that the recent activities in Kakaako have brought attention to the manner in which HCDA oversees redevelopment activities in Kakaako. Consideration should be given to the fact that HCDA was originally established in 1976 to redevelop substantially undeveloped, blighted, or economically depressed areas that are or are potentially in need of renewal, renovation, or improvement to alleviate such conditions as dilapidation, deterioration, age, and other such factors or conditions which make such areas an economic or social liability.

The legislature also found that there exists within the State vast, unmet community development needs. These include, but are not limited to, a lack of suitable affordable housing; insufficient commercial and industrial facilities for rent; residential areas which do not have facilities necessary for basic live-ability, such as parks and open space; and areas which are planned for extensive land allocation to one, rather than mixed uses.

It is further determined that the lack of planning and coordination in such areas has given rise to these community development needs and that existing laws and public and private mechanisms have either proven incapable or inadequate to facilitate timely redevelopment and renewal.

Based on these pressing needs, the legislature created a new and comprehensive authority for community development to join the strengths of private enterprise, public development and regulation into a new form capable of long-range planning and implementation of improved community development. The purpose of Chapter 206E HRS was to establish such a mechanism



in the Hawaii community development authority, a public entity which shall determine community development programs and cooperate with private enterprise and the various components of federal, state, and county governments in bringing plans to fruition. For such areas designated as community development districts, the legislature believes that the planning and implementation program of the Hawaii community development authority will result in communities which serve the highest needs and aspirations of Hawaii's people.

After almost 40 years of public investment in infrastructure based on the planned redevelopment of the area, the market conditions are such that private developers are moving forward with a variety of projects in Kakaako. The plans to redevelop Kakaako and the public investment in infrastructure are being realized.

It would be unfortunate if the planned density and the return on investment in infrastructure are not fully realized in Kakaako by allowing full build out. It would also raise legitimate questions on the type of business climate the State is creating if investors and developers have no predictability or certainty when a state agency is overseeing redevelopment efforts. The Chamber does support reasonable increases in time allotments for public input should there be compelling evidence that the public does not have enough time to provide their input.

Thank you for the opportunity to express our views on this matter.



**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 9:34 AM  
**To:** FINTestimony  
**Cc:** henry.lifeoftheland@gmail.com  
**Subject:** \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry Curtis	Life of the Land	Support	Yes

Comments:

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**finance8-Danyl**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 24, 2014 1:14 PM  
**To:** FINTestimony  
**Cc:** ewabond@gmail.com  
**Subject:** Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/24/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Bond	Kanehili Cultural Hui	Support	No

Comments: Kakaakao is turning into a big developer Greed Fest of buildings to attract and replicate Hong Kong in Honolulu. Look in the future for a large People's Liberation Navy warship parked out in front. The US Navy's intelligence assessment is that the Chinese military is moving full speed ahead with a confrontation with the US Navy, the Navy of Japan and the navies of neighboring nations in the Pacific. Honolulu's Kakaako developer Greed Fest will absolutely prove what a misguided conjob this over development of the waterfront really is when the future Pacific naval war erupts and Honolulu becomes a ghost town of tall buildings with owners in the People's Republic of China. China's military is already developing aircraft carriers and ballistic nuclear submarines and have publically boasted how many Americans they will be able to kill in West Coast cities with one strike. China's military has already sworn to take islands from Pacific nations, including Japan. The war is coming. This is who developers are marking these waterfront building's to- America's future enemy. This isn't hype- this is a US Navy intelligence assessment of what is coming. It was put forth in a major US Naval Institute conference just last week by US naval intelligence experts. Bad, bad stupid greedy development policy destined to be a total future disaster for everyone in Honolulu except those who hope to pocket the money and get out fast before the next Pacific war starts.

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February 26, 2014

COMMITTEE ON FINANCE  
Rep. Sylvia Luke, Chair  
Rep. Scott Nishimoto, Vice Chair  
Rep. Aaron Ling Johanson, Vice Chair

HB 1863 HD1  
RELATING TO HAWAII COMMUNITY DEVELOPMENT DISTRICT

Committee Chair Luke and Members;

Hawaii's Thousand Friends (HTF) supports HB 1863 HD1 that allows aggrieved citizens the opportunity to appeal decisions made by HCDA.

§206E- Right of action allows citizens to appeal a decision to circuit court once a request for reconsideration has been denied. Thus, shortening the appeals process.

Some cases may require more review at the agency level. For those occasions a contested case process would be a better option. Thus, a contested case process should be added

§206E- Contested case proceedings; judicial review. Any person adversely affected by an action or decision of the authority may file a petition for a contested case proceeding on the authority's action or decision. An independent hearings officer in accordance with Chapter 91 shall conduct a public hearing.

The agency shall adopt rules for a contested case process in accordance with Chapter 91.

Thank you for the opportunity to present testimony.

# Kaka'ako Ūnited

Testimony of  
Sharon Y. Moriwaki  
Before the  
House Committee on Finance  
Wednesday, February 26, 2014, 2:00 p.m., Conference Room 308

## **Comments on HB 1863, HD1, Relating to the Hawaii Community Development Authority**

To: Chair Sylvia Luke, Vice Chairs Scott Nishimoto and Aaron Ling Johanson, and Members

My name is Sharon Moriwaki. I am a resident of Kaka'ako and president of Kak'ako United, an organization of citizens concerned about Kaka'ako's future.

We have entrusted HCDA -- the state agency designated by statute as the steward of Kaka'ako -- to implement plans and rules developed with citizens and approved by the governor. Unfortunately, HCDA has approved projects that violate its own and the county's zoning standards and rules and has failed to adequately address infrastructure problems and the concerns by residents, businesses and users of Kaka'ako.

HB 1863, HD1 addresses these problems by creating a right of action for any person against HCDA if its fails to perform any required act or duty. While we strongly believe there must be procedures for citizens to contest decisions of the authority, we find that this avenue would put a chill on aggrieved citizens to contest the actions of the authority if they had to file a suit in circuit court. It should be the right of citizens to review the decisions of the authority before an impartial hearings officer in an administrative proceeding.

Therefore we suggest that this bill be amended to provide an administrative proceeding either by chapter 91 contested case or by reconsideration.

Thank you for the opportunity to testify.

**KŪ: Kaka'ako Ūnited**  
415 South Street Main Office • Honolulu, Hawaii 96813  
[www.kakaakounited.org](http://www.kakaakounited.org) • [info@kakaakounited.org](mailto:info@kakaakounited.org)



*Ensuring the quality of life for an integrated Kaka'ako community from mauka to makai.*



*A'ohe hana nui ka alu'ia*  
*"No Task Is Too Big When Done Together By All"*

**HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO**

735 Bishop Street, Suite 412 \* Honolulu, Hawaii 96813  
(808) 524-2249 - FAX (808) 524-6893

KIKA G. BUKOSKI  
*Executive Director*

February 25, 2014

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Local 221

Honorable Representative Sylvia Luke, Chair  
Honorable Representative Scott Nishimoto, Vice Chair  
Honorable Representative Aaron Ling Johanson, Vice Chair  
Members of the Committee on Finance  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**RE: IN OPPOSITION** TO HB1863, HD1 RELATING TO HCDA  
Hearing: Wednesday, February 26, 2014, 2:00 p.m. Conference Room 308

Honorable Chair, Vice Chair and Committee Members;

The Hawaii Building & Construction Trades Council, AFL-CIO is a chartered member of the Building and Construction Trades Department, AFL-CIO which was first organized in 1908 and comprised of 14 out of 15 international construction trade unions with 386 state, local and provincial councils in the United States and Canada and an estimated 15,000 members locally. Our primary mission being to provide employment opportunities and living wages for many of Hawaii's working men and women in the construction industry.

The Council respectfully OPPOSES HB1863, HD1, which authorizes citizen suits against HCDA for violations of its required duties and requires rules comply with all laws, ordinances and rules.

The Hawaii Community Development Authority was created in 1976 by the State Legislature to plan future developments of underutilized urban areas in Hawaii. In an effort to balance the increasing challenges of urban sprawl, preserving open space, promoting local agriculture, planning for future growth, and reinvigorating and maximizing high density urban core areas, HCDA has risen to that challenge and the charge given them over three decades ago.

We understand and appreciate that not all will agree with change, especially when it might directly and adversely impact individuals, but sometimes change is necessary in order to evolve and adapt for continued growth and sustainability.

HCDA is not just a single community's issue. It's an island wide issue and a piece of a larger "General" Plan that includes Ewa (Kalaeloa) and Windward (Ko'olaupoko) O'ahu. It's an island wide initiative to direct smart growth concepts to certain areas of the island for certain area specific reasons in order to maximize the efficiencies and deficiencies of the area and improve on what's currently there.

Infrastructure, roadways, modes of travel, maximizing and reinvigorating existing footprint, economic opportunity, quality of life...although just a few, these are all part of the overall plan to improve O'ahu.

The provisions in HB1863, HD1 contravene the stated intent and purpose of HCDA as envisioned in 1976. In addition, significant concern over frivolous lawsuits may adversely impact projects designed and planned to improve the overall benefit to the community. It took great vision and courage to adopt such forward thinking legislation over three decades ago.

It takes even greater vision, coupled with perseverance, resolve, commitment and fortitude to 'realize' that vision and "stay the course"

A known philosopher-poet, Ralph Waldo Emerson was once quoted,

"Whatever course you decide upon, there is always someone to tell you that you are ...

There are always difficulties arising that tempt you to believe that your critics are right...

To map out a course of action and follow it to an end requires courage."

This is not 'just' about jobs, this is not just about one community, or one or two individuals, this about recognizing the possibilities (HCDA) before us, identifying and evaluating all of the variable externalities, concerns and considerations; applying the best methods of sustainable planning available today and plotting a 'course' for O'ahu's future...the kind of future we would want to pass on to our next generation.

We urge you to reconsider this measure and allow the Hawaii Community Development Corporation to realize the vision of a "Better O'ahu".

Thank you for the opportunity to provide comments in opposition to HB1863, HD1.

*A'ohe hana nui ka alu'ia  
"No Task Is Too Big When Done Together By All"*

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 24, 2014 2:47 PM  
**To:** FINTestimony  
**Cc:** rontthi@gmail.com  
**Subject:** \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/24/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald Taniguchi	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 24, 2014 4:06 PM  
**To:** FINTestimony  
**Cc:** lynnehi@aol.com  
**Subject:** Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/24/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lynne matusow	Individual	Support	No

Comments: I am in strong support of this bill. It is inconceivable that in this day and age there is no redress if there is opposition to the HCDA's approval of a project. This bill will enable Mr. and Mrs. Aloha and others to seek redress in the courts. Please pass this bill. lynne matusow, 60 n. beretania, #1804, honolulu 96817

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 24, 2014 5:16 PM  
**To:** FINTestimony  
**Cc:** aycockburr@aol.com  
**Subject:** \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/24/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Virginia Aycock	Individual	Support	No

Comments:

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**Sent:** Monday, February 24, 2014 5:11 PM  
**To:** FINTestimony  
**Cc:** ralpheburr@aol.com  
**Subject:** Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/24/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ralph E. Burr	Individual	Support	No

Comments: I support this bill but recommend it be amended to be effective immediately.

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**Sent:** Tuesday, February 25, 2014 9:50 AM  
**To:** FINTestimony  
**Cc:** vsc@hawaiiantel.net  
**Subject:** Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victoria Cannon	Individual	Support	No

Comments: We support this bill. HD1. Allow for legal recourse against HCDA for violations of its duties. Trudy and Victoria Cannon

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Testimony for the  
Committee on Finance  
Wednesday, February 26, 2014, 1400 hrs  
Conference Room 308  
HB 1863 HD1  
Relating to the Hawaii Community Development Authority (HCDA)

Chairperson Luke, Vice Chairperson Nishimoto and Vice Chairperson Johanson and Members of the Committee

My name is Grace Ishihara and I am a resident of Kakaako. Thank you giving me this opportunity to submit a testimony.

I support HB 1863 HD1 which authorizes citizen suits against the HCDA for violations of its required duties.

I do have reservations about the effective date of July 1, 2020. I think that this should become effective on the day it is signed. If the bills such as SB 2696, SB 2697 and SB 2698 are passed, they will be effective on 1 July, 2050. I'm sure in 37 years there will be numerous cases where the citizens (or an person acting on their behalf) of this State will want to file a civil suit against HCDA.

I urge you to pass this bill. Thank you for the opportunity to submit my testimony.

Grace Ishihara  
[ue-wale0903@hotmail.com](mailto:ue-wale0903@hotmail.com)

SB 2696

Amends Hawaii Community Development Authority statute to establish building restrictions and prohibitions for the Kakaako community development district. Takes effect 7/1/2050. (SD1)

SB 2697

Amends procedures of the HCDA to require additional public notice and public input for development projects and rule changes. Establishes additional requirements for development projects before HCDA approval can be granted. Creates appeal process for HCDA actions and decisions. Takes effect 7/1/2050. (SD1)

SB 2698

Amends HCDA public notice requirements and requirements for project approval. Creates a reconsideration process with available judicial review for HCDA decisions or actions. Takes effect 7/1/2050. (SD1)

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 8:32 AM  
**To:** FINTestimony  
**Cc:** clkkimura@gmail.com  
**Subject:** Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cara Kimura	Individual	Support	No

Comments: I strongly support HB1863. The public needs a means for recourse to appeal the authority's decisions and current rules have no provision for this. This bill is a good start to providing the average citizen a means to do so.

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 24, 2014 8:28 PM  
**To:** FINTestimony  
**Cc:** drjlam@aol.com  
**Subject:** Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/24/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jerry lam	Individual	Support	No

Comments: The HCDA has made many marginal decisions and tiptoed around any rules without being taken to task. Residents should have recourse and the ability to challenge the HCDA in court. Please pass this Bill.

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Bobbie Lau  
2360 Tantalus Drive  
Honolulu, Hawaii 96813

February 24, 2013

Hawaii House of Representatives  
House Committee on Finance  
Hawaii State Capitol  
415 S. Beretania St.  
Honolulu, HI 96813

Chair Sylvia Luke, Vice-Chairs Nishimoto and Ling Johanson,

Subject: HB1863, HB1866 and HB1867 / Hearing Date: 2-26-2014, 2:00 PM

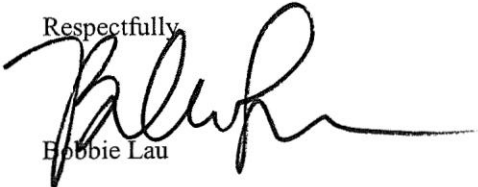
Dear Chair and Co-chairs:

There is a shortage of housing opportunities for those wishing to buy and rent. The bills being considered today regarding Kaka'ako will only make this situation worse and we will lose the opportunity to create the urban center we need.

- HB1863 as it is written will allow people to come after a decision is made and just delay the progress. The time to disagree should be before a decision is made and all the facts are heard.
- HB1866's provision to require a "a ten year holding period" will give young professionals and people buying a home for the first time an unfair burden to access what equity they may build up. This would further depress the availability of affordable housing here in Honolulu.
- Lastly, provisions of HB1867 are designed to delay any development in Kaka'ako for the sake of delay or to create such a burden as to act as a moratorium because there is no clear direction on who is notified.

It is important that you support HCDA's effort for planned growth and realize that this is a chance to create an urban community for local people near the beach that is based on home ownership.

Respectfully,



Bobbie Lau

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 7:18 AM  
**To:** FINTestimony  
**Cc:** williamlee244@gmail.com  
**Subject:** \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Lee	Individual	Support	No

Comments:

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## finance1

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**From:** Web Nolan <webnolan@hawaii.rr.com>  
**Sent:** Tuesday, February 25, 2014 8:25 AM  
**To:** FINTestimony  
**Cc:** Rep. Scott Saiki; Sen. Brickwood Galuteria; carol fukunaga  
**Subject:** Testimony supporting four HCDA bills for FIN hearing Feb 26

Rep Luke and members of the House Finance Committee:

My name is Webster Nolan, a condo owner/resident in Kakaako for the past 20 years. I also worked in Kakaako in the 1960s and early 1970s, and like many residents and business people in the district, share deep concerns about what our state government is allowing HCDA to do to our neighborhoods.

I strongly support HB1863 HD1, HB1865 HD1, HB1866 HD1, HB1867 HD1, all of which are modest proposals to realign the actions, rules and decisions of the HCDA to conform to the provisions and intent of the 1975/76 legislation that created the Authority.

Evidence and testimony submitted by concerned citizens of Kakaako to the Authority, the Legislature and Honolulu City Council during the past five months in connection with the "801 South Street, Phase Two" development project, overwhelmingly demonstrates that the Authority has frequently and flagrantly violated state laws and its own rules, as well as disregarded common decency, with respect to public participation in the decision-making process, affordability of proposed "workforce" housing, environmental considerations (traffic, sewage, public health and safety, open space), the need for recreational and green areas for a growing population, and the frequently expressed public demand to provide land for an elementary school in Kakaako.

Additionally, the Authority habitually grants substantial exemptions to developers and their financial backers, thereby awarding itself arbitrary powers that blatantly conflict with fundamental and constitutional rights of the citizenry.

The bills under consideration today offer a few small steps toward rectifying these rogue activities. Most Kakaako residents want the area to grow along the lines of the Mauka General Plan, providing more jobs and pleasant living conditions at affordable prices, and we recognize that high property costs and other factors make achieving these goals a serious but certainly not insurmountable challenge. Today, however, the largest obstacle is the Authority itself, and we urgently ask this committee and the full Legislature to approve these bills as a starting point toward getting HCDA back on track.

Thank you for the chance to offer our suggestions for your consideration.

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 7:40 AM  
**To:** FINTestimony  
**Cc:** eo50@icloud.com  
**Subject:** \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric Okamura	Individual	Support	No

Comments:

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 6:43 AM  
**To:** FINTestimony  
**Cc:** rkorph@gmail.com  
**Subject:** \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ron Okamura	Individual	Support	No

Comments:

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 12:04 PM  
**To:** FINTestimony  
**Cc:** k80k@me.com  
**Subject:** Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katie Kaanapu	Individual	Comments Only	No

Comments: 2/25/14 Name: Katie Kaanapu Street: 392 N Vineyard Blvd., Apt B17 Address: Honolulu, HI 96817 Email: k80k@me.com Hawaii House of Representatives House Committee on Finance Hawaii State Capitol 415 S. Beretania St. Honolulu, HI 96813 Chair Sylvia Luke, Vice-Chairs Nishimoto and Ling Johanson, Subject: HB1863, HB1866 and HB1867 Hearing Date: 2-26-2014, 2:00 PM As a resident, I know there is a shortage of housing opportunities for those wishing to buy and rent. This causes the price of both to go up. I believe that the bills being considered today regarding Kaka'ako will only make the situation worse and we will lose the opportunity to create the urban center we need; the place where we can create, work, live, and play without depending on a car or the absence of traffic. HB1863 as it is written will allow people to come after a decision is made and just delay the progress. The time to disagree should be before a decision is made and all the facts are heard. I also believe that HB1866's provision to require a "a ten year holding period" will prevent young professionals and people buying a home for the first time an unfair burden to access what equity they may build up. This would further depress the availability of affordable housing here in Honolulu. Lastly, I believe that the provisions of HB1867 are designed to delay any development in Kaka'ako for the sake of delay or to create such a burden as to act as a moratorium because there is no clear direction on who is notified. In closing, I think it is important that you support HCDA's effort for planned growth and realize that this is a chance to create an urban community for local people near the beach that is based on home ownership. Respectfully, Katie Kaanapu

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 12:17 PM  
**To:** FINTestimony  
**Cc:** bknunies@gmail.com  
**Subject:** Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bernard Nunies	Individual	Support	No

Comments: I strongly SUPPORT HB1863 as it provides a way to appeal the decisions of HCDA. Currently there is no appeal process and this bill create the ability to bring civil charges against the HCDA.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 12:16 PM  
**To:** FINTestimony  
**Cc:** ismyth@hawaiiantel.net  
**Subject:** \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
isaac smyth	Individual	Support	Yes

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 12:16 PM  
**To:** FINTestimony  
**Cc:** connie.smyth54@gmail.com  
**Subject:** \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
connie smyth	Individual	Support	No

Comments:

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**Testimony in Strong Support of HB1863, HD1**  
Authorizes Suits Against the HCDA for  
Violations of its Required Duties

**House Committee on Finance**  
Wednesday, February 26, 2014  
2:00 pm, Room 308

House Bill 1863, HD1 Relating to the Hawaii Community Development Authority

My name is Wayne Takamine and I am in support of HB1863, HD1

I am a concerned citizen and I have been following the actions of the HCDA in the development of Kaka'ako.

HB1863, HD1 authorizes any person, acting as a private attorney general, to file a civil law suit against HCDA for failure to perform their required duties. Circuit Courts will have jurisdiction to order HCDA to perform any required duties and pay appropriate civil penalties. The civil suit must be filed in the Circuit Court where the violation occurred, within sixty days of the plaintiff's written complaint against HCDA. This measure does not restrict plaintiffs from seeking other relief or legal assistance. Measure will take effect on July 1, 2020.

Respectfully,

Wayne Takamine  
Chair  
Kaka'ako Makai Community Planning Advisory Council (CPAC)



**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 1:46 PM  
**To:** FINTestimony  
**Cc:** ptadaki@hotmail.com  
**Subject:** Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paula B Tadaki	Individual	Support	No

Comments: I support this Bill.

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**House Committee on Finance**  
**Wednesday, February 26, 2014**  
**2:00 PM Hearing**  
**Conference Room 308**

**Support with Comments for House Bill 1863, HD1**  
**Testimony from Michelle S. Matson**

Aloha Chair Luke, Vice Chairs and Committee Members:

House Bill 1863 HD1 is a portion of the list of reforms urgently needed for the HCDA to function in the public interest as a responsible and accountable public agency. The following recommendations are offered to strengthen this measure in the public interest, as highlighted:

SECTION 1. Chapter 206E, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

**"§206E- Citizens right of action.**

**(a) Reconsideration; judicial review. Any person adversely affected by an action or decision of the authority may file a petition for reconsideration within thirty days of the authority's action or decision.**

***Justification:*** *This allows citizens to bypass going through a contested case process, and with a decision denying their request for reconsideration in hand go directly to Circuit Court, thus reducing the appeals process time.*

**(b) Contested case proceeding; judicial review. Any person adversely affected by an action or decision of the authority may file a petition for a contested case proceeding on the authority's action or decision. A public hearing shall be conducted in accordance with chapter 91 and the following:**

**(i) the HCDA shall adopt contested case rules similar to the city and county's zoning board of appeals rules;**

**(ii) the HCDA shall appoint an independent hearings officer**

**(iii) the HCDA shall make the entire administrative record of the project easily available to the independent hearings officer and to the public for review."**

***Justification:*** *This applies to cases with the potential ability to be resolved at the agency level, provided that an independent hearings officer presides and is able to review the entire administrative record.*

***NOTE:*** *The public should be given a choice of whether to ask for a contested case or reconsideration of a decision at the administrative level.*

**(c) Civil suit proceeding. Any person, acting as a private attorney general, may commence a civil suit on the person's behalf against the authority if the authority has failed to perform any act or duty required under this part....**

Michelle S. Matson, Founding Member  
Kaka'ako Makai Community Planning Advisory Council

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 25, 2014 4:11 PM  
To: FINTestimony  
Cc: cfrith@fbsmgt.com  
Subject: Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cynthia Frith	Individual	Support	No

Comments: Civil suits should be possible against the HCDA if they fail to properly adhere to their set rules. Rubber stamping any "deal" should never go forward if transparency and honest/ethical outcomes are to prevail.

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**finance8-Danyl**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 25, 2014 6:10 PM  
**To:** FINTestimony  
**Cc:** management@hawaiishoppingcenter.com  
**Subject:** \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachelle Nobriga	Individual	Support	No

Comments:

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**From:** Pam Wood <pwood229@gmail.com>  
**Sent:** Tuesday, February 25, 2014 1:55 PM  
**To:** FINTestimony  
**Subject:** HB 1863, HD1 Testimony In Support

**Testimony of**  
**Pamela Wood**  
**Before the House Committee on Finance**  
**Wednesday, February 26, 2014 at 2:00 pm, Room 308**  
**HB 1863, HD1**  
**Relating to the Hawaii Community Development Authority**

Chair Representative Sylvia Luke and Members of the House Committee on Finance:

My name is Pamela Wood and I am in support of HB 1863, HD1. I live in Kakaako and appreciate the opportunity to testify and share my experience of working with HCDA during the past year. When the public disagrees with the information, explanations or decisions of HCDA, there is no method for an independent review. And, when the public investigates options for an appeal, there are no guidelines or rules available within existing laws or the Mauka Area Rules. This legislation will help resolve this problem. Thank you for listening to public concern. By working together we can build a better community.



**LATE**

**HB1863 HD1**  
**RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
House Committee on Finance

February 26, 2014

2:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB1863 HD1, which would establish a private right of action to sue the Hawai'i Community Development Authority (HCDA) for any violation of its statutory duties.

OHA appreciates the importance of ensuring that the HCDA fulfills its statutory and constitutional responsibilities. Public input opportunities and the ability for interested stakeholders to contest planning decisions are important mechanisms to ensure HCDA's compliance with constitutional and legislative mandates, as well as its own regulations. This measure, however, creates an overly broad express private right of action, attaching financial liability to all actions of the HCDA, and potentially impacting state resources without a commensurate or meaningful benefit to the public interest.

**OHA does not believe that creating a new civil claim and private right of action for all HCDA actions best serves the public interest in ensuring that the HCDA meets its kuleana.** Citizens concerned with and impacted by HCDA actions already have opportunities for agency and judicial review as part of the contested case hearing process. By comparison, enforcement of other important statutory rights generally falls under the jurisdiction of specific compliance and enforcement agencies, not through private citizens' recovery of damages. Even violations of civil rights do not generally allow a private right of action, but require initial vetting through a separate, semi-autonomous state agency before any judicial claims for relief can be made. Insofar as the current HCDA framework already allows for citizen-initiated compliance and enforcement opportunities, opening up the state to financial liability from private citizen lawsuits may result in a greater drain on limited state resources than would serve the state's and the public's interest in expanding avenues of action against the HCDA.

Therefore, OHA urges the committee to **HOLD** HB1863 HD1. Mahalo for the opportunity to testify on this measure.

# Hawai'i Construction Alliance



P.O. Box 179441  
Honolulu, HI 96817  
(808) 348-8885

February 25, 2014

The Honorable Sylvia Luke, Chair  
The Honorable Scott Nishimoto, Vice Chair  
The Honorable Aaron Ling Johanson, Vice Chair  
and members  
House Committee on Finance  
Honolulu, Hawai'i 96813

## **RE: Comments Expressing Strong Concerns on HB1863 HD1**

Dear Chair Luke, Vice Chairs Nishimoto and Johanson, and members:

The Hawai'i Construction Alliance would like to express strong concerns about HB1863 HD1, which authorizes suits against the HCDA for violations of its required duties.

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Hawai'i Masons Union, Local 1 and Local 630; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the four member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the four basic crafts of Hawai'i's construction industry.

The four unions of the Hawai'i Construction Alliance have been strong advocates for the development of a vibrant, mixed-use community in Kaka'ako. Over the next several years, Kaka'ako will grow to include housing that local residents can afford, support good-paying jobs, and host amenities for the general public to enjoy. Hundreds of our members are currently at work on projects within the Kaka'ako area, and we are proud to be a part of the transformation of Kaka'ako into a place where people can live, work, play, and raise families.

We are concerned that the open-ended "right of action" process proposed in HB1863 HD1 may create a lengthy citizen suit process which would unnecessarily delay the ability of Kaka'ako to grow into a vibrant, well-planned community. We would urge your committee to consider instead a clear, concise, and definite procedure where aggrieved parties can file motions to intervene and contested case hearings can be held within a certain timeframe after the filing of a development permit application.

Mahalo for the opportunity to provide these comments.

Yours truly,

A handwritten signature in black ink that reads "Tyler Dos Santos-Tam".

Tyler Dos Santos-Tam  
Executive Director  
Hawai'i Construction Alliance  
execdir@hawaiiiconstructionalliance.org

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 26, 2014 7:46 AM  
To: FINTestimony  
Cc: rdulcich@gmail.com  
Subject: Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**HB1863**

Submitted on: 2/26/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Dulcich	Individual	Support	No

Comments: I support the bills: HB1863, HB1865, HB1866, HB1867. I support bills that rein in the HCDA and hold them accountable for their decisions. They need to be audited for management and financial decisions. There definitely needs a new manner in which members are appointed to the HCDA. It shouldn't be for political pay backs and the appointments need to be approved by the legislature. Restrictions are needed on the HCDA on how they handle HCDA properties. The HCDA meetings need to take community concerns and recommendations into consideration and investigation before making a decision. Better development guidance requirements, prohibitions and application procedures for the Kaka'ako Community Development district are needed.

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**LATE**



February 25, 2014

The Honorable Sylvia Luke and  
Members of the House Finance Committee

Subject: Supporting the Hawai'i Community Development Authority

Dear Representative Luke:

The Hawai'i Chapter of the American Planning Association, representing approximately 270 public and private sector planners statewide, wishes to extend support for the Hawai'i Community Development Authority (HCDA). We feel that higher-density development in the Kaka'ako area is consistent with the City and County of Honolulu's General Plan and Primary Urban Center Development Plan.

Developing Honolulu's urban core, including Kaka'ako, to its full potential will preserve O'ahu's agricultural land and open space, and help to "keep the country, country." Furthermore, the housing opportunities planned for Kaka'ako are sorely needed to address O'ahu housing needs. In addition to having an estimated shortfall of about 20,000 housing units, an estimated 2,000 housing units are needed every year on O'ahu to keep pace with population growth.

Finally, the planned developments in Kaka'ako will be proximate to the planned rail transit project, within the service limits of city services and infrastructure systems, and use previously developed lands. These are all factors which make Kaka'ako an appropriate location for O'ahu to grow "upwards."

We acknowledge concerns about HCDA's oversight of Kaka'ako redevelopment. However, from the perspective of what is good for this island, urban and regional planners believe that developing Kaka'ako to its full potential is in O'ahu's best interest.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Gail W. Atwater'.

Gail W. Atwater, AICP, MBA, President  
American Planning Association, Hawai'i Chapter  
[Atwater.apa@gmail.com](mailto:Atwater.apa@gmail.com)

finance1

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 25, 2014 6:55 PM  
To: FINTestimony  
Cc: clamor808@yahoo.com  
Subject: \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clara K Morikawa	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 25, 2014 8:08 PM  
To: FINTestimony  
Cc: jjn@lava.net  
Subject: Submitted testimony for HB1863 on Feb 26, 2014 14:00PM

**LATE**

**HB1863**

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Nelson	Individual	Support	No

Comments: I realize that a private attorney general is a rarely used status. However, HCDA's willingness to bend or break its own rules, without accountability in a timely manner to the community at large, has resulted in the need for this legal tool. Please keep the discussion going and move this measure forward. Thank you.

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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2/24/14

**LATE**

Hawaii House of Representatives  
House Committee on Finance  
Hawaii State Capitol  
415 S. Beretania St.  
Honolulu, HI 96813

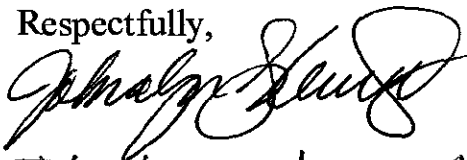
Chair Sylvia Luke, Vice-Chairs Nishimoto and Ling Johanson,

Subject: HB1863, HB1866 and HB1867

I believe that these bills will stop development in Kaka'ako and we will lose the opportunity to create the urban center we need; the place where we can create, work, live, and play without depending on a car. HB1863 as it is written will allow people to come after a decision is made and just delay the progress. The time to disagree should be before a decision is made and all the facts are heard. I also believe that HB1866's provision to require a "a ten year holding period" will prevent young professionals and people buying a home for the first time an unfair burden to access what equity they may build up. This would further depress the availability of affordable housing here in Honolulu. Lastly, I believe that the provisions of HB1867 are designed to delay any development in Kaka'ako for the sake of delay or to create such a burden as to act as a moratorium because there is no clear direction on who is notified.

In closing, I think it is important that you support HCDA's effort for planned growth and realize that this is a chance to create an urban community for local people near the beach that is based on home ownership.

Respectfully,



Johnalynn Floresmartinez  
1050 Ala Moana Blvd.  
Honolulu, HI 96814



## HAWAII LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST

1617 Palama Street · Honolulu, HI 96817 · Phone: 808-845-3238 · Fax: 808-845-8300 · URL: hilecet.org

### TESTIMONY OF HAWAII LECET CLYDE T. HAYASHI - DIRECTOR

HOUSE OF REPRESENTATIVES  
THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2014

**LATE**

### COMMITTEE ON FINANCE NOTICE OF HEARING

DATE: Wednesday, February 26, 2014  
TIME: 2:00 p.m.  
PLACE: Conference Room 308, State Capitol  
415 South Beretania Street

### TESTIMONY ON HOUSE BILL NO. 1863, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

TO THE HONORABLE SYLVIA LUKE, CHAIR, SCOTT NISHIMOTO, VICE CHAIR, AARON LING JOHANSON, VICE CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Clyde T. Hayashi, and I am the Director of Hawaii LECET. Hawaii LECET is a labor-management partnership between the Hawaii Laborers Union, Local 368, and its unionized contractors.

Mahalo for the opportunity to testify in **opposition** to House Bill No. 1863.

Hawaii LECET has been a supporter of the planned development of Kaka'ako and the HCDA. After decades of planning and after hundreds of millions spent on infrastructure investments, Kaka'ako is now ready to realize its promise. As our population grows, as affordable housing needs hit a critical level, and as the need for jobs for local residents increases, Kaka'ako provides us with an opportunity to assist many local families.

Kaka'ako will build affordable housing which local residents can afford, including our union members. In addition to the many who already work on Kaka'ako projects, hundreds of additional construction jobs will be created. Rail Transit will be coming soon to provide a key transportation option for residents. Kaka'ako has the potential to become a modern, vibrant community within our urban core, full of amenities which residents desire and where residents can live, work, and play.

The "right to action" process proposed in this bill is much too general and open-ended. We fear it will create a situation which encourages civilian suits, with many of them becoming lengthy cases. It will result in delaying or stopping properly approved projects. These delays will result in added costs to each project, delay in the building of needed homes, and the denial of jobs to our members.

For these reasons, Hawaii LECET is in **opposition** to House Bill No. 1863.

Testimony of

John C. Horvath  
425 South Street #3101  
Honolulu, HI 96813



Before the House Committees on Finance

Wednesday, February 26, 2014

House Bill 1863 HD1 Relating to the Hawaii Community Development Authority

My name is John C. Horvath and I am in support of HB 1863 HD1 because the members of the HCDA should be held accountable for decisions and actions that impact all stakeholders of the State of Hawaii. When the HCDA members do act improperly, there needs to be consequences, case in point was the February 19, 2014 contested case hearing between the AOA of One Waterfront Towers and the HCDA, but the land owner and the developer were also part of this hearing and the community was told this hearing was not open to the public but within 24 hours of the hearing, the HCDA changed their minds and opened the hearing up to the public only problem, the public did not receive any advanced notice of this hearing.

I urge all members to please protect all stakeholders and move this bill forward.

Sincerely,

John C. Horvath

808.589.9665

[pohoiki@hawaiiantel.net](mailto:pohoiki@hawaiiantel.net)

# LATE TESTIMONY

2/24/14

Hawaii House of Representatives  
House Committee on Finance  
Hawaii State Capitol  
415 S. Beretania St.  
Honolulu, HI 96813


Chair Sylvia Luke, Vice-Chairs Nishimoto and Ling Johanson,

Subject: HB1863, HB1866 and HB1867

I believe that these bills will stop development in Kaka'ako and we will lose the opportunity to create the urban center we need; the place where we can create, work, live, and play without depending on a car. HB1863 as it is written will allow people to come after a decision is made and just delay the progress. The time to disagree should be before a decision is made and all the facts are heard. I also believe that HB1866's provision to require a "a ten year holding period" will prevent young professionals and people buying a home for the first time an unfair burden to access what equity they may build up. This would further depress the availability of affordable housing here in Honolulu. Lastly, I believe that the provisions of HB1867 are designed to delay any development in Kaka'ako for the sake of delay or to create such a burden as to act as a moratorium because there is no clear direction on who is notified.

In closing, I think it is important that you support HCDA's effort for planned growth and realize that this is a chance to create an urban community for local people near the beach that is based on home ownership.

Respectfully,

  
Jasper Wong  
Kaka'ako Artist



From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 26, 2014 3:38 PM  
To: FINTestimony  
Cc: mendezj@hawaii.edu  
Subject: \*Submitted testimony for HB1863 on Feb 26, 2014 14:00PM\*

**HB1863**

Submitted on: 2/26/2014

Testimony for FIN on Feb 26, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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