

STAND. COM. REP. NO.

3110

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 2358
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Water and Land and Housing, to which was referred H.B. No. 2358, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC LANDS,"

beg leave to report as follows:

The purpose and intent of this measure is to exempt lands owned by the Hawaii Public Housing Authority from the definition of "public lands" under section 171-2, Hawaii Revised Statutes (HRS), and the jurisdiction of the Board of Land and Natural Resources.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs, Eco Tipping Points Project, and two individuals.

Your Committees find that the Hawaii Public Housing Authority titled lands were previously exempt from the definition of "public lands" under section 171-2, HRS, when these lands were held by the Authority's predecessor agencies, the Housing and Community Development Corporation of Hawaii and the Hawaii Housing Authority. After the Housing and Community Development Corporation of Hawaii was bifurcated into two separate agencies, an exemption for Hawaii Public Housing Authority titled lands was



inadvertently excluded from the list of lands exempt from the definition of "public lands" under section 171-2, HRS.

Your Committees further find that the Hawaii Public Housing Authority is authorized to acquire, own, and hold real property pursuant to section 356D-8, HRS, and its federal low-income public housing properties are under a federal annual contributions contract with the federal government. Thus, these titled lands do not fall under the jurisdiction of the State's public lands and should be exempt from the definition of "public lands" and the jurisdiction of the Board of Land and Natural Resources to avoid delays in redevelopment projects.

Your Committees note the written testimony in opposition submitted by the Office of Hawaiian Affairs that Hawaii Public Housing Authority titled lands should be treated consistently with other state lands removed from the jurisdiction of the Board of Land and Natural Resources. Thus, any sale or gift of lands under the control of the Authority should be subject to the legislative approval requirements under section 171-64.7, HRS.

Accordingly, your Committees have amended this measure by:

- (1) Adding language that exempts lands set aside by the Governor to the Hawaii Public Housing Authority from the definition of "public lands" under section 171-2, HRS;
- (2) Adopting the language suggested by the Office of Hawaiian Affairs that requires the legislative approval of the sale or gift of lands set aside by the Governor to the Hawaii Public Housing Authority or lands to which the Hawaii Public Housing Authority in its corporate capacity holds title; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2358, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2358,



H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Housing,

Will Espero

WILL ESPERO, Chair

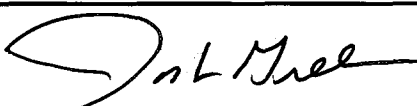
Karl Rhoads

KARL RHOADS, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Housing
HOU

Bill / Resolution No.:* HD 2358 HD1	Committee Referral: WTL/HOU, WAM	Date: 3/20/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
HARIMOTO, Breene (VC)				✓
GREEN, Josh	✓			
KAHELE, Kaiali'i				✓
NISHIHARA, Clarence K.	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes