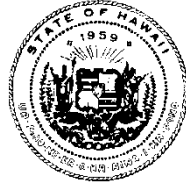


DAVID Y. IGE
GOVERNOR



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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON WATER & LAND

Friday, February 16, 2018
3:00 PM - Room 308, Hawaii State Capitol

In consideration of
HB 2358, HD1
RELATING TO PUBLIC LANDS

Honorable Chair Luke and Members of the House Committee on Finance, thank you for the opportunity to provide testimony concerning House Bill (HB) 2358, HD1, relating to public lands.

The Hawaii Public Housing Authority (HPHA) **strongly supports** the enactment of HB 2358, HD1. This Administrative Bill is primarily a "housekeeping" measure that seeks to exempt HPHA lands from the definition of "public lands" under Hawaii Revised Statutes (HRS) section 171-2.

HPHA titled lands were previously exempted from section 171-2, HRS, when the lands were held by the HPHA's predecessor agencies the Housing and Community Development Corporation of Hawaii (HCDCH) and the Hawaii Housing Authority (HHA). After the HCDCH bifurcated into two separate agencies, an exemption for HPHA titled lands was inadvertently not included in the list of lands exempted from section 171-2, HRS.

HPHA is authorized to acquire, own, and hold real property under chapter 356D-8, HRS, and its federal low-income public housing properties are in a Federal Annual Contributions Contract with the United States of America. Therefore, its titled lands do not fall under the catchall jurisdiction of state "public lands" under the Department of Lands and Natural Resources (DLNR). Unless exempted from the definition of "public lands" under section 171-2, HRS, the Board of Land and Natural Resources (BLNR) could cause unnecessary delay with HPHA's redevelopment projects due to the need for the BLNR to review and take action on land leases for "public lands".

A 2006, the Legislative Reference Bureau published a report, "*Clarifying Statutory References in State Housing Agency Laws*," stating that an amendment should be made based on the facts and history of both the HPHA and HHFDC.

Prior to 1987, §171-2 excluded from the definition of "public lands" those "lands to which the Hawaii housing authority in its corporate capacity holds title". Act 337, SLH 1987, that established the housing finance and development corporation, added a further exclusion in §171-2 for the corporation's properties. After 1997, when the two agencies merged into the housing and community development corporation of Hawaii, this section was further amended to change the reference to the housing and community development corporation of Hawaii to the (present) Hawaii housing finance and development corporation.

It would appear that this section should be amended to include both the Hawaii housing finance and development corporation and the Hawaii public housing authority, as both agencies are authorized to acquire, own, and hold real property.

"Clarifying Statutory References in State Housing Agency Laws," Report No. 5, 2006, Legislative Reference Bureau.

HHFDC lands have since been exempted under HRS Section 171-2. Accordingly, the HPHA lands should also be exempted from "public lands."

The HPHA appreciates the opportunity to provide the House Committee on Finance with the HPHA's testimony regarding HB 2358, HD1. We thank you very much for your dedicated support.



HB2358 HD1
RELATING TO PUBLIC LANDS
House Committee on Finance

February 16, 2018

3:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the Board of Trustees **OPPOSE** HB2358 HD1, to ensure that lands held by the Hawai'i Public Housing Authority (HPHA) remain consistently protected against inappropriate alienation, notwithstanding their exemption from the definition of "public lands" in HRS § 171-2.

OHA appreciates that the HPHA may benefit from greater flexibility and autonomy over the management and disposition of lands under its control, particularly given its critical mission to provide housing relief for Hawai'i's most vulnerable populations. OHA understands that this measure would accordingly remove lands held by the HPHA from Board of Land and Natural Resources' oversight and management under Chapter 171, through an amendment to the definition of "public lands" in HRS §171-2.

However, to ensure that HPHA lands are treated consistently with other state lands generally removed from BLNR jurisdiction (such as lands held by the Hawai'i Housing Finance and Development Corporation and other state entities), OHA requests that this measure expressly reaffirm that current legislative approval requirements for the sale or alienation of any state lands, as found in HRS §171-64.7, also apply to HPHA lands. This statutory requirement is critical to maintaining the ceded lands corpus, and its enactment was a condition precedent to the settlement agreement in the OHA v. Housing and Community Development Corporation of Hawai'i lawsuit, brought in response to the State's actions to sell and otherwise alienate ceded lands. **OHA objects to the sale of "ceded" lands, except in limited circumstances, and notes that the legislative approval requirements for the sale of state lands in HRS § 171-64.7, were enacted to ensure a high level of accountability and transparency in any proposed alienation of the state's limited land base, and to protect "ceded" lands from being sold prior to the resolution of Native Hawaiians' unrelinquished claims.**

Although OHA recognizes that the sale of real property by HPHA currently requires "legislative approval" pursuant to HRS § 356D-4(a)(5), the applicability of the specific process requirements in HRS §171-64.7 should be made clear in light of the proposed exemption of HPHA lands from the definition of "public lands" in HRS §171-2. **Therefore, should the Committee choose to move this measure, OHA respectfully requests an additional amendment be made to subsection (a) of HRS § 171-64.7, to insert a new paragraph (9), to read as follows:**

“(9) Land to which the Hawai‘i public housing authority in its corporate capacity holds title.”

Accordingly, OHA urges the Committee to **HOLD** HB2358 HD1, or to incorporate in this bill the amendment described above. Mahalo nui for the opportunity to testify on this measure.



BEFORE THE HOUSE COMMITTEE ON FINANCE
February 16, 2018

House Bill No. 2358 HD1
Relating to the Public Lands
Aloha Chair Luke, Vice Chair Cullen, and Members of the Committee:

KPAC submits the following testimony in opposition to HB 2358 HD1 exempting lands to which Hawaii Public Housing Authority holds title from the definition of "public lands" in chapter 171, Hawai'i Revised Statutes.

This proposal to exempt lands held by the Hawai'i Public Housing Authority is contrary to its intended purpose as detailed below and could also potentially be determined to be a breach of trust.

By way of background, Professor Williamson Chang of the UH Law School has detailed his analysis that the Joint Resolution was incapable of acquiring Hawai'i at http://blog.hawaii.edu/aplpj/files/2015/09/APLPJ_16_2_Chang.pdf. Despite this analysis, the former Crown and government lands of the Kingdom of Hawai'i were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawaii to be held as a public trust for 5 purposes including the betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920. The Admissions Act further states that any other object besides the 5 purposes shall constitute a breach of trust for which suit may be brought by the United States. The Article XII Constitutional provisions further establish that the lands are held as a public trust for native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920 and should be used solely for that purpose.

The Ka Lāhui Hawai'i Political Action Committee (KPAC) affirms and defends our Hawaiian peoples' right to over 1.8 million acres of our national lands.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC

HB-2358-HD-1

Submitted on: 2/15/2018 5:53:05 PM

Testimony for FIN on 2/16/2018 3:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Oppose	Yes

Comments:

LATE

HB-2358-HD-1

Submitted on: 2/15/2018 6:32:41 PM

Testimony for FIN on 2/16/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
MaryAnn Omerod	Individual	Oppose	No

Comments:

I Strongly Oppose HB2358 the transfer, sale and exempting of lands and interest to which Hawaii Public Housing Authority holds title to from the definition of "ceded lands trust" also known as "public trust lands" held in trust by the State of Hawai'i to be managed for the benefit of Native Hawaiians under (HRS) section 171â€• 2.

Until such time it is proven that HPHA titled lands do not fall under the catchall jurisdiction of state "public lands" under the Department of Lands and Natural Resources (DLNR), this MEASURE SHOULD NOT BE MOVED FORWARD!!

LATE

HB-2358-HD-1

Submitted on: 2/15/2018 6:32:48 PM

Testimony for FIN on 2/16/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Clarence Ching	Individual	Oppose	No

Comments:

The unfortunate passage of this bill will be theft from the native Hawaiian people and the people of Hawai'i - taking moneys out of the pocket of OHA.

LATE

HB-2358-HD-1

Submitted on: 2/15/2018 6:38:59 PM

Testimony for FIN on 2/16/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Theodora Akau Gaspar	Individual	Oppose	No

Comments:

LATE

HB-2358-HD-1

Submitted on: 2/15/2018 7:24:15 PM

Testimony for FIN on 2/16/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela M Williams	Individual	Oppose	No

Comments:

LATE

HB-2358-HD-1

Submitted on: 2/15/2018 8:24:55 PM

Testimony for FIN on 2/16/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rocky	Individual	Oppose	No

Comments:

I am a kanaka maoli and am against any theft of my homeland stolen at gunpoint by the USA Marines in 1893. Back then greed was the motive. Again today, greed is the motive of trying to develop more of Kingdom land. Developing mega corporate development creates more and more homeless locals which allows only the rich to live here while forcing locals keiki include to the streets. UH/Governor/Legislature has failed to protect all stolen lands including Mauna Kea, etc. Voting for this bill is a war crime against my country. US President Trump wants to build a wall to keep the terrorists out, however the terrorists (USA/State of Hawaii are already in committing terrorist acts against my country. A yes vote is voting to continue raping my country. I am sick and tired of the legislature trying to remove PROTECTED KANAKA MAOLI CONSTITUTIONAL RIGHTS. We are not invisible. You got to open your eyes and heart to see us and what you are doing to us. A'ole to HB2358 HD1

HB-2358-HD-1

Submitted on: 2/15/2018 11:51:37 PM

Testimony for FIN on 2/16/2018 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
marjorie erway	Individual	Oppose	No

Comments:

Completely unacceptable. Please vote 'no'!!

LATE

HB-2358-HD-1

Submitted on: 2/16/2018 7:53:18 AM

Testimony for FIN on 2/16/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Howard	Individual	Oppose	No

Comments:

I oppose any sale of "ceded lands" without checking with the original claimants of this aina first. The Kanaka Oiwī. No matter who says they have "ownership", check their title. No clear ownership. Keep Kanaka lands in Kanaka hands. Mahal.

HB-2358-HD-1

Submitted on: 2/16/2018 9:23:30 AM

Testimony for FIN on 2/16/2018 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jon-Erik Jardine	Individual	Oppose	No

Comments:

I oppose this bill as it would be a further humanitarian violation against the lahui of Hawaii by removing land from the hands of the people and increase the privatization agenda of 'Ä• ina, an act of colonization which has been on-going since the first euro-American contact in Hawai'i. What legislators need to understand is that their acts of governance only appears to be legal on the surface but that they are using the platform of laws which are themself a violation of international law. It is up to the individual legislators to seek out their personal-responsibility and make decisions based on a deeper conscience that is not influenced by the thirsty powers of the currently reigning State of Hawaii.

LATE

HB-2358-HD-1

Submitted on: 2/16/2018 2:28:30 PM

Testimony for FIN on 2/16/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Corine Chang	Individual	Oppose	No

Comments:

Aloha to all this concerns

My name is Corine Chang, from Hawaii Island, 96771.

I sincerely OPPOSE to HB2358 relating to public lands.

I do not want the HPHA to have authority or any power over "we the people." The state housing authority does much less than satisfactory in helping those in need of housing and the people shouldn't reward this political agency with more power, more land, for what purpose? Tell us how the state is going to "help" the houseless first and take care of the mentally ill and poor in Hawaii.

I Oppose HB2358 because I see this as more land theft and no promise of helping the houseless, poor, sick, mentally ill and drug addicted. Our taxes are not for the use of politicians and capitalists alone.. we're here too.. our families do too!

I have decided to send in my testimony because I want you to hear me. I feel like nobody hears us after an election.

The state needs to make more "PUBLIC HOUSING" before asking for HPHA to not be exempt from public lands. You don't get rewarded for not providing housing for houseless people and chasing housless people away from place to place to only displace them even more when all their ID's and belongings get thrown away. It's absolutely heartless to do this in the place of ALOHA.

I OPPOSE HB2358

Sincerely, Corine Chang

Hawaii Island

96771

LATE

HB-2358-HD-1

Submitted on: 2/16/2018 2:47:16 PM

Testimony for FIN on 2/16/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Oppose	Yes

Comments:

We STRONGLY OPPOSE this bill as it is not clear as to how this bill will directly or indirectly affect the rights of native Hawaiians with respect to the revenues from “ceded” lands pursuant to Article XI, Section 5(f) of the Hawaii Admissions Act. Mahalo.