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Statement of

Hakim Ouansafi

Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

Thursday, February 1, 2018

9:00 AM - Room 423, Hawaii State Capitol

In consideration of

HB 2358

RELATING TO PUBLIC LANDS

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

The Hawaii Public Housing Authority (HPHA) **strongly supports** the enactment of HB 2358. 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 Housing with the HPHA's testimony regarding HB 2358. We thank you very much for your dedicated support.



January 30, 2018

Representative Tom Brower, Chair
Representative Nadine Nakamura, Vice-Chair
House Committee on Housing

Comments in Support of HB 2358, Relating to Public Lands (Exempts lands to which Hawaii Public Housing Authority [HPHA] holds title from the definition of “public lands” in Hawaii Revised Statutes [HRS] Section 171-2.)

Thursday, February 1, 2018, 9:00 a.m., in Conference Room 423

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF’s mission 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 provide comments **in support of HB 2358**.

HB 2358. This bill proposes to exempt HPHA titled lands from the definition of “public lands” in HRS Section 171-2.

LURF’s Position. LURF understands that because HPHA is authorized to acquire, own and hold real property, its titled lands do not come within the definition of State “public lands” under the jurisdiction of the Department of Land and Natural Resources (DLNR). Pursuant to a report (“Clarifying Statutory References in State Housing Agency Laws”) published in 2006, the Legislative Reference Bureau stated that an amendment should be made based on the facts and history of both the HPHA and the Hawaii Housing Finance and Development Corporation (HHFDC).

Prior to 1987, HRS Section 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, which established the housing finance and development corporation, added a further exclusion in Section 171-2 for the corporation’s properties.

Subsequently, when the two agencies merged into the housing and community development corporation of Hawaii, this section was further amended to change the reference from the housing and community development corporation of Hawaii to the HHFDC. HRS Section 171-2 should now therefore be amended to include both the HHFDC and the HPHA since both agencies are authorized to acquire, own, and hold real property, as well as to clarify the jurisdiction over HPHA titled lands.

For the above reasons, LURF **supports HB 2358**, and urges passage of this bill.

Thank you for the opportunity to present comments regarding this matter.

LATE



HB2358
RELATING TO PUBLIC LANDS
House Committee on Housing

February 1, 2018

9:00 a.m.

Room 423

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend that the Board of Trustees submit **COMMENTS** on HB2358, 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 indigent population. 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 University of Hawai'i, 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 of any state lands also apply to HPHA 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, as embodied 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.**

Therefore, should the Committee choose to move this measure, OHA respectfully asks that a new paragraph (9) be inserted into subsection (a) of HRS § 171-64.7, to read as follows:

"(9) Lands to which the Hawai'i public housing authority in its corporate capacity holds title."

Mahalo nui for the opportunity to testify on this measure.