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## STATE OF HAWAII

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Statement of

**Hakim Ouansafi**

Hawaii Public Housing Authority  
Before the

### HOUSE COMMITTEE ON JUDICIARY

Thursday, February 14, 2019

2:05 PM - Room 325, Hawaii State Capitol

In consideration of

**HB 453, HD1**

### RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY

Honorable Chair Lee and Members of the House Committee on Judiciary, thank you for the opportunity to provide testimony concerning House Bill (HB) 453, HD1, relating to the Hawaii Public Housing Authority.

The Hawaii Public Housing Authority (HPHA) **strongly supports** the enactment of HB 453, HD1. This 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 Committee with the HPHA’s testimony regarding HB 453, HD1. We thank you very much for your dedicated support.

BEFORE THE HOUSE JUDICIARY COMMITTEE  
February 14, 2019

House Bill No. 453 SD1  
Relating to the Public Lands

Aloha Chair Lee, Vice Chair San Buenaventura and Members of the Committee,

KPAC submits the following testimony in opposition to House Bill 453 exempting lands to which Hawaii Public Housing Authority holds title from the definition of "public lands" in chapter 171, Hawai'i Revised Statutes.

The majority of the lands held in the public lands trust are "ceded lands" or Hawaiian Kingdom crown and government lands. Professor Williamson Chang stated in a lecture given on October 1, 2014 entitled "Hawaii's 'Ceded Lands' and the Ongoing Quest for Justice in Hawai'i" that the Joint Resolution was incapable of acquiring these Hawaiian Kingdom public lands. 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 Hawai'i 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.

This proposal to exempt lands from "public lands" held by the Hawai'i Public Housing Authority could potentially be determined to be a breach of trust and will lessen public oversight and input in the future use of these lands. Furthermore, Kanaka Maoli have unsettled claims to about 1.8 million acres of the public lands trust that have yet to be settled.

Respectfully submitted,

M. Healani Sonoda-Pale  
Chair, KPAC