

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
HOUSING**

**Thursday, January 23, 2020
1:15 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 2036
RELATING TO PUBLIC LANDS**

Senate Bill 2036 proposes to clarify that lands set aside to the Hawaii Housing Finance and Development Corporation (HHFDC) by the Governor or leased to the Corporation by any state department and agency are exempt from the definition of “public lands”. **The Department of Land and Natural Resources (Department) offers the following comments on this measure.**

The bill proposes to exempt lands set aside or leased to HHFDC from the definition of public lands under Section 171-2, Hawaii Revised Statutes (HRS). Lands to which the HHFDC in its corporate capacity holds title are already exempt under Section 171-2, HRS. As a result, if Senate Bill 2036 were to become law, HHFDC would no longer need to secure the approval of the Board of Land and Natural Resources (BLNR) for land dispositions or projects on lands set aside to HHFDC under Section 171-11, HRS, or leased to HHFDC under Section 171-95, HRS.

The Department notes that some of HHFDC’s lands are public trust lands that HHFDC manages under executive orders recommended by the BLNR and approved by the Governor. Any lands no longer needed for housing, finance, and development purposes should to be returned to the public trust administered by the Department.

Thank you for the opportunity to comment on this measure.

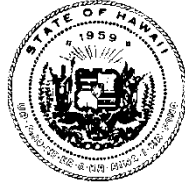
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DAVID Y. IGE
GOVERNOR



DENISE ISERI-MATSUBARA
INTERIM EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of
DENISE ISERI-MATSUBARA
Hawaii Housing Finance and Development Corporation
Before the

SENATE COMMITTEE ON HOUSING

January 23, 2020 at 1:15 p.m.
State Capitol, Room 225

In consideration of
S.B. 2036
RELATING TO PUBLIC LANDS.

The HHFDC supports S.B. 2036, a bill to amend the definition of "public lands" in Section 171-2, HRS, to add lands set aside by the governor to HHFDC or lands leased to HHFDC by another State department or agency. Currently, only lands to which HHFDC holds title to in its corporate capacity are exempt from the definition of "public lands." This exemption will help HHFDC to expedite housing development on state lands.

Thank you for the opportunity to testify.



SB2036
RELATING TO PUBLIC LANDS
Senate Committee on Housing

January 23, 2020

1:15 p.m.

Room 225

The Administration of Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB2036, which seeks to amend the Hawai'i Revised Statutes (HRS) § 171-2 definition of "public lands." OHA appreciates the opportunity to be a meaningful part of the dialogue informing the development of this measure, and respectfully requests the following amendment be made to clarify that state-owned lands set aside from the Governor or leased to the Hawai'i Housing Finance and Development Corporation (HHFDC) remain consistently protected against inappropriate alienation.

OHA requests that any proposals to exempt state lands from the definition of "public lands" in HRS § 171-2 be paired with amendments to ensure continued compliance with HRS § 171-64.7, a critical mechanism protecting our public lands, including "ceded" lands, from inappropriate alienation. The legislative approval required for the sale or gift of public lands under HRS § 171-64.7 ensures a close level of oversight, accountability, and transparency in the potential alienation of our limited public land base; this statutory requirement is particularly 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. After further review, OHA notes that HRS § 201H-9(c) authorizes HHFDC to sell property to any person or government. Therefore, to the extent that this measure proposes to exempt any HHFDC controlled state lands from the definition of "public lands" under HRS § 171-2 and the attendant public land provisions of Chapter 171, OHA urges that such lands be expressly included under HRS § 171-64.7, consistent with lands HHFDC holds in title and other state lands excluded from HRS § 171-2.

Accordingly, OHA respectfully urges that this measure include an additional section providing for parallel language to the proposed amendment to HRS § 171-2 to be added to HRS § 171-64.7 by the following amendment:

Amend HRS § 171-64.7 (a)(4), to read as follows:

"(4) Lands that are set aside by the governor to the Hawaii housing finance and development corporation, lands leased to the Hawaii housing finance and development corporation by any department or agency of the State, or lands to which the Hawaii housing finance and

development corporation in its corporate capacity
holds title;"

Mahalo piha for the opportunity to testify on this measure.



**SENATE COMMITTEE ON HOUSING
State Capitol, Conference Room 225
415 South Beretania Street
1:15 PM**

January 23, 2020

RE: SENATE BILL NO. 2036, RELATING TO PUBLIC LANDS

Chair Chang, Vice Chair Kanuha, and members of the committee:

My name is Gladys Quinto-Marrone, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii is in **strong support of S.B. 2036**, which proposes to exempt lands set aside by the Governor to the Hawaii Housing Finance and Development Corporation (HHFDC) from classification as “public land” subject to management by the Department of Land and Natural Resources.

We understand that Chapter 171 of the HRS already exempts lands to which HHFDC holds title from the definition of “public lands.” Exempting lands set aside to HHFDC would create more opportunities for HHFDC to develop affordable housing on state-owned lands, without having to obtain approval from the Board of Land and Natural Resources for ministerial real estate transactions/approvals (i.e. consents, leases, sub-leases, etc.).

We are in strong support of S.B. 2036, and appreciate the opportunity to provide comments on this matter.

SB-2036

Submitted on: 1/22/2020 7:33:31 PM

Testimony for HOU on 1/23/2020 1:15:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE SB 2036 RELATING TO PUBLIC LANDS and ALL legislation that gives, transfers or sells Public Lands! Yes, we need affordable housing but not at the expense of reducing Public Lands acreage. Mahalo.