

STAND. COM. REP. NO.

428

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 1322

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Housing, to which was referred S.B. No. 1322 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION,"

beg leave to report as follows:

The purpose and intent of this measure is to designate a seat for the Department of Hawaiian Home Lands on the board of the Hawaii Housing Finance and Development Corporation.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Hawaiian Community Development, and three individuals. Your Committees received testimony in opposition to this measure from the Hawaii Housing Finance and Development Corporation; Mutual Housing Association of Hawai'i, Inc.; and one individual.

Your Committees find that the constitutional mandate and mission of the Department of Hawaiian Home Lands trust is to effectively develop and deliver lands to native Hawaiians. The Hawaii Housing Finance and Development Corporation is tasked with developing low- and moderate-income housing projects and administering homeownership programs. This measure is intended to further enhance the partnerships and collaboration between the Department of Hawaiian Home Lands and Hawaii Housing Finance and Development Corporation. As a voting member of the Hawaii Housing Finance and Development Corporation Board, the Chairperson of the



Hawaiian Homes Commission can bring new perspectives and ideas developed through the Department of Hawaiian Home Land's activities and experiences to the Hawaii Housing Finance and Development Corporation Board's deliberations.


Your Committees have heard testifiers' concerns that having the Chairperson of the Hawaiian Homes Commission on the Hawaii Housing Finance and Development Corporation Board could possibly constitute a conflict of interest. The Hawaii Housing Finance and Development Corporation testified that there would be a concern as to whether the Chairperson of the Hawaiian Homes Commission would be focusing on providing housing for native Hawaiians rather than production of housing for all residents of the State of Hawaii.

In response to those concerns, the Department of Hawaiian Home Lands noted that the Director of Business, Economic Development, and Tourism and the Director of Finance also are provided seats on the Hawaii Housing Finance and Development Corporation Board. Additionally, in *Ahuna v. Department of Hawaiian Home Lands*, 640 P.2d 1161 (1982), the Hawaii Supreme Court recognized the State's fiduciary responsibility to facilitate the Hawaiian Homes Commission Act. Because the ruling was not specified to one individual state agency, the State of Hawaii shares the responsibility among all agencies for fulfilling the mandates of the Hawaiian Homes Commission Act. Your Committees find that these concerns warrant further consideration and may require the issuance of an opinion from the Department of the Attorney General.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1322 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs
and Housing,

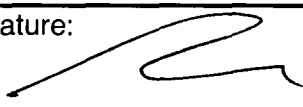

STANLEY CHANG, Chair


MAILE S.L. SHIMABUKURO, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1322	HWN/HOU, JDC	2/16/21		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SHIMABUKURO, Maile S.L. (C)	X			
KEOHOKALOLE, Jarrett (VC)	X			
ACASIO, Laura		X		
IHARA, Jr., Les		X		
FEVELLA, Kurt			X	
TOTAL	2	2	1	
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

The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Housing
HOU

Bill / Resolution No.:* SB1322	Committee Referral: HWN/HOU, JDC	Date: 2/16/21		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHANG, Stanley (C)	✓			
KANUHA, Dru Mamo (VC)	✓			
MORIWAKI, Sharon Y.		✓		
RHOADS, Karl	✓			
FEVELLA, Kurt			✓	
TOTAL	3	1	1	0
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				

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