

DAVID Y. IGE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

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STATE OF HAWAII
HAWAII PUBLIC HOUSING AUTHORITY
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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the
SENATE COMMITTEE ON HOUSING

Tuesday, February 1, 2022
1:30 PM – Room 225, Hawaii State Capitol

In consideration of
SB 2251
RELATING TO THE PUBLIC HOUSING AUTHORITY

Honorable Chair Chang, and Members of the Senate Committee on Housing, thank you for the opportunity to provide testimony concerning Senate Bill (SB) 2251, relating to the public housing authority.

The Hawaii Public Housing Authority (HPHA) **supports, with amendments**, the enactment of SB 2251, which allows the HPHA to build non-subsidized housing.

Concentrating public housing for extremely low-income families in dense urban areas has shown to not be an effective use of scarce affordable housing resources, and a shift has been made to instead create financially viable and socially stable mixed-income housing by the U.S. Department of Housing and Urban Development (HUD).

The Mixed-Income, and Mixed-Finance redevelopment model is a proven and successful redevelopment model nationwide and supported and encouraged by the federal government which provide the HPHA with over \$140 million or 87% of its total yearly funding to house our most disadvantaged populations. The model is an attractive option, and beyond the social good that comes with preserving housing units for occupancy by extremely low-income families, it also contributes to the economic and social diversity and stability of the overall community.

Households with affordable rents based on Area Median Incomes, and higher income families paying market rate rents not only diversify these Mixed-Income developments economically, but market rate

units also support the lower income units while providing a taxpayer benefit by reducing the gap financing needed from the Legislature to underwrite these developments.

Additionally, following the conversion of a federal public housing property into a mixed finance redevelopment, the HPHA will be required to execute a Mixed Finance Annual Contributions Contract with HUD. Under this agreement, the HPHA would be required to ensure that sufficient reserves are maintained to support the operation and maintenance of the project units. This component is vital to ensure the affordable housing units in the project remain affordable throughout the life of the Master Development Agreement, and not just for a limited period of time.

Moreover, Mixed-Income, and Mixed-Financed redevelopment projects are typically executed through public private partnerships, better positioning HPHA properties to access the private capital and financing necessary to revitalize them into vibrant communities for our future generations.

The HPHA has identified several properties within its portfolio located in close proximity to the planned Honolulu Rail System stations currently being developed by The Honolulu Authority for Rapid Transportation (HART), that could immediately benefit from this initiative, as well as identifying additional HPHA properties with the potential for redevelopment on our neighbor islands. Undertaking redevelopment of these assets would not only allow the HPHA to rehabilitate functionally obsolete public housing units but would eliminate expensive repair and maintenance expenses required to maintain these units, while also significantly expanding the inventory of critically needed affordable housing units across the state.

This is not an attempt to build million-dollar condos, but it is a necessary step to not concentrate poverty and give an opportunity to people of all income levels to live side by side in a community that does not isolate the poor. This will have so many positive outcomes for the children, the schools they attend, and create an environment that exemplifies the Aloha Spirit.

After review with the Department of the Attorney General to remove any ambiguity of redeveloping HPHA public housing properties with the federally backed Mixed-Income, and Mixed-Finance redevelopment model, the HPHA has provided the attached PROPOSED SD1 to incorporate all income levels for the Committee's consideration.

The HPHA appreciates the opportunity to provide the Committee with the HPHA's testimony regarding SB 2251. We thank you very much for your dedicated support.

A BILL FOR AN ACT

RELATING TO THE PUBLIC HOUSING AUTHORITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 356D-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§356D-11 Development of property.** (a) The authority, in
4 its own behalf or on behalf of any government, may:

5 (1) Clear, improve, and rehabilitate property; and

6 (2) Plan, develop, construct, and finance [~~public~~] housing
7 projects.

8 (b) The authority may develop public land in an
9 agricultural district subject to the prior approval of the land
10 use commission when developing lands greater than five acres in
11 size. The authority shall not develop state monuments,
12 historical sites, or parks. When the authority proposes to
13 develop public land, it shall file with the department of land
14 and natural resources a petition setting forth such purpose.
15 The petition shall be conclusive proof that the intended use is

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S.D.1
Proposed

1 a public use superior to that to which the land had been
2 appropriated.

3 (c) The authority may develop or assist in the development
4 of federal lands with the approval of appropriate federal
5 authorities.

6 (d) The authority shall not develop any public land where
7 the development may endanger the receipt of any federal grant,
8 impair the eligibility of any government agency for a federal
9 grant, prevent the participation of the federal government in
10 any government program, or impair any covenant between the
11 government and the holder of any bond issued by the government.

12 (e) The authority may contract or sponsor with any county,
13 housing authority, or person, subject to the availability of
14 funds, [~~an experimental or demonstration~~] a housing project
15 designed to meet the needs of elders, disabled, displaced or
16 homeless persons, low- and moderate-income persons, government
17 employees, teachers, or university and college students and
18 faculty.

19 (f) The authority may enter into contracts with eligible
20 developers to develop [~~public~~] housing projects in exchange for
21 mixed use development rights. Eligibility of a developer for an

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1 exchange pursuant to this subsection shall be determined
2 pursuant to rules adopted by the authority in accordance with
3 chapter 91.

4 As used in this subsection, "mixed use development rights"
5 means the right to develop a portion of a [~~public~~] housing
6 project for commercial use.

7 (g) The authority may develop, with an eligible developer,
8 or may assist under a government assistance program in the
9 development of, [~~public~~] housing projects. The land planning
10 activities of the authority shall be coordinated with the county
11 planning departments and the county land use plans, policies,
12 and ordinances.

13 Any person, if qualified, may act simultaneously as
14 developer and contractor.

15 In selecting eligible developers or in contracting any
16 services or materials for the purposes of this subsection, the
17 authority shall be subject to all federal procurement laws and
18 regulations.

19 For purposes of this subsection, "government assistance
20 program" means a [~~public~~] housing program qualified by the
21 authority and administered or operated by the authority of the

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Proposed

1 United States or any of their political subdivisions, agencies,
2 or instrumentalities, corporate or otherwise.

3 (h) In connection with the development of any [~~public~~]
4 housing dwelling units under this chapter, the authority may
5 also develop commercial properties, and industrial properties
6 and sell or lease other properties if it determines that the
7 uses will be an integral part of the [~~public~~] housing
8 development or a benefit to the community in which the
9 properties are situated. The authority may designate any
10 portions of the [~~public~~] housing development for commercial,
11 industrial, or other use and shall have all the powers granted
12 under this chapter with respect thereto. The authority may use
13 any funding authorized under this chapter to implement this
14 subsection.

15 The net proceeds of all sales or leases, less costs to the
16 authority, shall be deposited in the public housing special fund
17 established by section 356D-28.

18 (i) For the purposes of this section:

19 "Housing" or "housing project" means any home, house,
20 residence, building, apartment, living quarters, abode,

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1 domicile, or dwelling unit designed principally for the purposes
2 of sheltering people."

3 SECTION 2. Section 356D-12, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§~~**356D-12** **Development of property; additional**
6 **powers.** (a) Notwithstanding any other law to the contrary,
7 whenever the bids submitted for the development or
8 rehabilitation of any ~~public~~ housing project authorized
9 pursuant to this chapter exceed the amount of funds available
10 for that project, the authority, with the approval of the
11 governor, may disregard the bids and enter into an agreement to
12 carry out the project, undertake the project, or participate in
13 the project under the agreement; provided that:

14 (1) The total cost of the agreement and the
15 authority's participation, if any, shall not
16 exceed the amount of funds available for the
17 project; and

18 (2) If the agreement is with a nonbidder, the scope of
19 the project under agreement shall remain the same
20 as that for which bids were originally requested.

21 (b) For the purposes of this section:

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1 "Housing project" means any home, house, residence,
2 building, apartment, living quarters, abode, domicile, or
3 dwelling unit designed principally for the purposes of
4 sheltering people."

5 SECTION 3. Section 356D-12.5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "~~§~~**356D-12.5** **Development of property; partnership or**
8 **development agreement.** (a) Any ~~public~~ housing project may be
9 developed under sections 356D-11 and 356D-12 by the authority in
10 partnership or under a development agreement with a private
11 party; provided that a written partnership or development
12 agreement is executed by the authority. At a minimum, the
13 partnership or development agreement shall provide for:

14 (1) A determination by the authority that the partnership
15 or development agreement is for a public purpose; and

16 (2) Final approval by the authority of the plans and
17 specifications for the ~~public~~ housing project.

18 (b) For the development of ~~public~~ housing projects
19 pursuant to subsection (a), except as provided by federal law or
20 regulation, the authority shall not be subject to chapters 103
21 and 103D or any and all other requirements of law for

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1 competitive bidding for partnership or development agreements,
2 construction contracts, or other contracts; provided that the
3 authority shall develop internal policies and procedures for the
4 procurement of goods, services, and construction, consistent
5 with the goals of public accountability and public procurement
6 practices.

7 (c) The authority shall submit an annual report to the
8 legislature, no later than twenty days prior to the convening of
9 each regular session, on the status of all [~~public~~] housing
10 projects being developed using partnership or development
11 agreements pursuant to subsection (a).

12 (d) The authority may adopt rules pursuant to chapter 91
13 necessary for the purposes of this section.

14 (e) For the purposes of this section:

15 "Housing project" means any home, house, residence,
16 building, apartment, living quarters, abode, domicile, or
17 dwelling unit designed principally for the purposes of
18 sheltering people."

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect upon its approval.

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Proposed

1
2
3

INTRODUCED BY: _____

____.B. NO._____

Report Title:

Public Housing Authority; Definition of Housing

Description:

Adds the definition of "housing" and "housing projects" to include all potential properties that could be developed by the Hawaii Public Housing Authority.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



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

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

SENATE COMMITTEE ON HOUSING

February 1, 2022, at 1:30 p.m.
State Capitol, Room 225

In consideration of
S.B. 2251
RELATING TO THE PUBLIC HOUSING AUTHORITY.

HHFDC opposes S.B. 2251. In 1997, the Legislature established the Housing and Community Development Corporation of Hawaii (HCDCH) by consolidating the Hawaii Housing Authority, Housing Finance and Development Corporation and Rental Housing Trust Fund Commission (Act 350, SLH 1997). The HCDCH commenced operations on July 1, 1998, and administered the state's public housing, homeless assistance, housing financing and housing development programs.

However, in 2005, the Legislature found that "the burden of administering the public housing projects in the State has overshadowed the ability of the corporation to pay sufficient attention to the financing and development of affordable housing." Therefore, Act 196, SLH 2005, as amended by Act 180, SLH 2006, separated the housing financing and development functions from the HCDCH to create HHFDC.

HHFDC's mission is the financing and development of affordable housing. The HPHA's primary mission is to administer the state's public housing. Should this measure pass, the state would have two agencies performing similar functions. Therefore, we believe this would be a step backwards in the efficient management of State housing functions.

Thank you for the opportunity to testify.



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON WATER AND LAND

February 1, 2022

1:30 PM

Conference Room 225

In **OPPOSITION** to **SB2251**: Relating to the Public Housing Authority

Aloha Chair Chang, Vice Chair Kanuha, and members of the Senate Committee on Housing,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **opposes SB2251**, which may lead to the effective privatization of our public and "ceded" lands, by allowing lands leased or set aside to the Hawai'i Public Housing Authority ("HPHA") to be used for market- and above market-rate housing as well as associated commercial and mixed-use projects.

The HPHA has the important mission of meeting the housing needs of our islands' most financially insecure and vulnerable residents. In furtherance of this mission, the HPHA's statutory authorities include the ability to enter into agreements with developers to develop federally-assisted housing projects, including public housing, housing for the elderly, those with disabilities, and other vulnerable populations, in exchange for mixed-use and commercial development rights, among other incentives.¹ The HPHA is also granted liberal leasing authorities, with lands leased or set aside to the HPHA statutorily exempted from the lease length and public land disposition protections otherwise applicable to lands held by the state.²

By giving the HPHA the power to use its development agreement and leasing authorities for any type of housing development, including market- and above-market rate and non-income restricted housing projects, **this measure will lead to significant pressure from private developers to have large amounts of public lands set aside or leased to the HPHA, for the development of high-end residential and associated commercial projects.** This in turn may result in significant impacts to the public's wide-ranging interests in agricultural and other public lands that are developed for housing units most local residents would be unable to afford. In addition, development agreements for lands held, leased, or set aside to the HPHA are likely to incorporate the use of long-term leases that would encumber public and "ceded" lands for a century at a time. Such long-term leases would effectively privatize these lands, foreclosing multiple future generations from determining their best use, and preventing these lands from being used to fulfill the state's commitment to reconciliation with the Native Hawaiian community.

While the Sierra Club appreciates that this measure may be intended to generate more revenues for the HPHA to fulfill its mission, this goal may be better met by increasing HPHA's general fund appropriations, rather than risking the effective erosion of our limited public and "ceded" lands corpus.

¹ See 24 C.F.R. §5.100; HRS §356D-11.

² See HRS §171-2.

For the above reasons, the Sierra Club of Hawai'i respectfully urges the Committee to **HOLD** SB2251. Mahalo nui for your consideration of this testimony.

SB-2251

Submitted on: 1/29/2022 10:15:17 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kupuna for the Moʻopuna	Testifying for Kupuna for the Moʻopuna	Oppose	No

Comments:

We, Kūpuna for the Mo‘opuna, **OPPOSE SB2251.**

SB2251 distracts the Hawai‘i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourages the use of our limited public land base for housing units that Hawai‘i residents cannot afford; and prevents the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time.

Please HOLD this measure.

Testimony

SB2251; Senate Committee on Housing; Feb. 1, 2022, 1:30pm

Aloha Chair Chang, Vice Chair Kanuha, and members of the Senate Committee on Housing,

I am a lecturer in law in Affordable Housing and a public-interest attorney currently representing patients at a community health center with their legal needs. I offer this testimony in my personal capacity. Many of my clients are residents of public housing, housing insecure, or low-income workers. The policy changes proposed in SB2251 are an ineffective use of public lands to stabilize and house our community. These bills do not address the reasons many of my clients rely on public housing, nor consider the crucial role government support of public housing plays in stabilizing income and job-insecure individuals. **Rather than focusing on desperately needed value capture regulatory schemes that pair incentives with regulations, this measure prioritizes housing development rather than stability.**

- 1. Focusing solely on the poverty status of those in public housing ignores its crucial role in stability and incorrectly poses housing development as the answer to poverty and income inequality.**

Turning over public housing lands to for-profit and market development purely because of the idea that 'towers of poverty' are exclusionary ignores the reason so many live and stay in public housing long term, as well as ignores the extended tenancy protections that public housing affords to families. Rather than focus on why so many people remain in public housing long term because of these tenancy protections in the face of job insecurity, low wages and income inequality, the bill relies on housing theories that suggests building more market housing will create housing supply attainable for these families. Public housing is an income generating activity, so much so that our state's largest public housing facility is operated by a for-profit housing corporation. Our state needs to consider other solutions rather than turning over land and turning our backs on the idea of public housing rentals.

- 2. Mixed-use housing development has left promises of affordable housing unfulfilled because of the lack of regulations and enforcement partnered with incentives. This bill continues this policy.**

Government partnerships for housing developments and mixed-use housing have largely relied on only one side of the value capture equation; government incentives like streamlining, infrastructure investment, relaxed use regulations, and up-zoning have been offered to developers with limited or narrow scope regulations to ensure long-term affordable housing or return on rail investment. Combined with weak enforcement of existing value capture, our community has seen promises of developers unfulfilled, such as the likely still near 4,000 unbuilt affordable housing units in Honolulu required from zone

changes alone¹. **Rather than continue to take the very limited government resources: public land, and turn over to development lacking rigorous and tested value capture schemes, housing advocacy needs to first consider how and why the current streamlining and investments, including our huge rail investment, have failed to provide us with the expected returns.**

3. The redevelopment of Mayor Wright Housing already allows mixed-use development will not provide even one more affordable housing unit after significant government investment.

The state has already allowed for Mayor Wright Homes to be redeveloped and not provide even one more new unit of affordable housing. Rather than already move to put up the rest of the public lands for mixed-use development, polices should focuses on ensuring value capture and return for government dollars, lands, rail investment, and streamlined entitlement processes rather than expanding the use of public lands.

4. Ignoring Hawaiian claims to ceded lands and exempting public housing lands from hard fought protects of these lands further alienates Native Hawaiians from necessary value capture conversations.

The Hawaiian community has repeatedly fought for narrowly tailored protections in Chapter 171 that in essence require public participation before ceded lands are sold or tied up in long term leases that act like a sale for multiple lifetimes. When lawmakers continue to find ways to avoid this narrow process in the face of our lack of value capture mechanisms, it alienates the Hawaiian community and continues to build on a lack of trust. Hawaiians have seen time and time again public resources and Hawaiian lands awarded to development for very little as incentives, while very little is requested, or given in return. Do not continue this policy and alienate the Hawaiian community by allowing public lands to be used not for public housing, but for-profit market development.

I urge you to HOLD SB2251. Do not expand a policy that is an ineffective use of our limited public resources. Mahalo for the opportunity to testify IN OPPOSITION to this measure.

Deja Ostrowski, J.D.

¹ See Audit of City's Management of Unilateral Agreements in Affordable Housing, page 25, Exhibit 2.2, available at: https://www.honolulu.gov/rep/site/oca/oca_docs/affordable_housing_final_report.pdf

SB-2251

Submitted on: 1/29/2022 8:17:50 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bridgit Bales	Individual	Oppose	No

Comments:

Dear Chair Chang, Vice Chair Kanuha, and Members of the Senate Housing Committee:

I STRONGLY OPPOSE SB 2251, which would distract the Hawaii Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawaii residents CANNOT AFFORD; and prevent the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a CENTURY AT A TIME! I respectfully and STRONGLY urge you to please HOLD this measure.

Mahalo,

BRIDGIT MARY LUAHIWA LEE LOY BALES

SB-2251

Submitted on: 1/29/2022 9:15:08 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Namaka	Individual	Oppose	No

Comments:

Dear Chair Chang, Vice Chair Kanuha, and Members of the Senate Housing Committee,

I **OPPOSE** SB2251, which would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawai'i residents cannot afford; and prevent the resolution of Native Hawaiians claims to potentially large swathes of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time. I respectfully urge you to please **HOLD** this measure.
Mahalo!

SB-2251

Submitted on: 1/29/2022 9:44:32 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Anela Evans	Individual	Oppose	No

Comments:

I strongly oppose this measure and encourage the Senate Housing Committee and the Senate Committee on Ways and Means to vote against advancing this bill. Thank you for your time and consideration.

SB-2251

Submitted on: 1/29/2022 12:29:31 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kevin Chang	Individual	Oppose	No

Comments:

Lets be careful about the way we move ahead on housing. I am not opposed to more housing for our community, especially the people who actually live here.

I understand this bill would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents. In other words this bill could potentially exacerbate the struggle of most families who cannot own a home -here in our home- and ignore kuleana and justice issues concerning ceded lands that persist to this day.

Mahalo for this opportunity to testify.

Kevin

SB-2251

Submitted on: 1/29/2022 2:36:05 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mara Davis	Individual	Oppose	No

Comments:

This is land that should go to people on the housing waitlist for native Hawaiians. This land belongs to the public not to privatize the land and sell to millionaires. Give the land back to native Hawaiians.

I **OPPOSE** SB2251, which would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawai'i residents cannot afford; and prevent the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time. I respectfully urge you to please **HOLD** this measure.

Thank you mara Davis

SB-2251

Submitted on: 1/29/2022 3:38:41 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Margaret Pulver	Individual	Oppose	No

Comments:

Dear Chair Chang, Vice Chair Kanuha, and Members of the Senate Housing Committee,

I **OPPOSE** SB2251, which would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawai'i residents cannot afford; and prevent the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time. I respectfully urge you to please **HOLD** this measure.

Mahalo,

Margaret Pulver

SB-2251

Submitted on: 1/30/2022 8:26:44 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nako'o Warrington	Individual	Oppose	No

Comments:

OPPOSE!

SB-2251

Submitted on: 1/30/2022 2:31:37 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bronson Azama	Individual	Oppose	No

Comments:

These are efforts to privatize and capitalize off of lands that should be benefitting the public. These would impact stolen Hawaiian Lands now referenced as "Ceded Lands" and inclusive under "Public Lands", which are better referred to as "Seized Lands". I find it extremely troubling that we are seeking to allow housing developments from which we can profit. When traditionally housing provided was to contribute to equitable communities.

We need to stop de-capacitizing Hawaiian lands with a future uncertain on who will control these lands with growing legal question on the State's title to these lands, which includes the private Crown Lands. These lands are held in trust for the people, not for some group of elected officials to seek profit not just for the state, but likely themselves.

Please vote no on this Bill and help restore the integrity of the State.

SB-2251

Submitted on: 1/31/2022 6:16:10 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tara Rojas	Individual	Oppose	No

Comments:

Lawmakers-Legislators: STOP taking, stEAling, and dEAling Hawaiian Lands. Hawaiian Lands are for HAWAIIANS.

SB-2251

Submitted on: 1/31/2022 8:44:37 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robin Newhouse	Individual	Oppose	No

Comments:

Dear Chair Chang, Vice Chair Kanuha, and Members of the Senate Housing Committee,

I **OPPOSE** SB2251, which would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawai'i residents cannot afford; and prevent the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time. I respectfully urge you to please **HOLD** this measure.

Thank you,

Robin J. Newhouse

SB-2251

Submitted on: 1/31/2022 9:56:59 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lehua Itokazu	Individual	Oppose	No

Comments:

Dear Chair Chang, Vice Chair Kanuha, and Members of the Senate Housing Committee,

I **OPPOSE** SB2251, which would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawai'i residents cannot afford; and prevent the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time. This truly creates an unrealistic reach for our lāhui to ever reside on any of these lands. I respectfully urge you to please **HOLD** this measure.

Thank you,

Lehua Itokazu

SB-2251

Submitted on: 1/31/2022 10:08:40 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sherry Shimizu	Individual	Oppose	No

Comments:

Please, why are you allowing poor people to suffer in poverty?

SB-2251

Submitted on: 1/31/2022 10:38:54 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
King Van Nostrand	Individual	Oppose	No

Comments:

Dear Chair Chang, Vice Chair Kanuha, and Members of the Senate Housing Committee,

I **OPPOSE** SB2251, which would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawai'i residents cannot afford; and prevent the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time. Unfortunately, this bill will only enable the rich to get richer, and Hawaiian residents get shafted again.

I respectfully urge you to please **HOLD** this measure.

Thank you,

King Van Nostrand



Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813
Phone (808) 521-2302 • www.nativehawaiianlegalcorp.org



Aloha e Chair Chang, Vice Chair Kanuha, and members of the Committee,

The Native Hawaiian Legal Corporation **STRONGLY OPPOSES SB2551**, which contemplates a significant expansion of the Hawaii Public Housing Authority's ability to plan, develop, construct, and finance the development of any housing, including market- and above market-rate and non-income restricted units. Combined with HPHA's extremely liberal leasing authority for lands leased or set aside to the agency, this measure may result in significant pressure to set aside or lease large swaths of public and "ceded" lands to the HPHA, to be disposed of for mixed-use and market- or above market-rate developments under multi-generational, long-term leases far exceeding the 65-year limit generally applicable to public land leases.

HPHA's stated purpose is "to provide Hawaii Residents with affordable housing" by focusing on developing affordable rental supportive, and public housing services. This proposed measure, however, would enable HPHA to plan, develop, construct and finance the development of **any** type of housing, including high end developments, at a time when the need for more, not less, affordable housing options has reached a crises level. This measure is clearly at odds with HPHA's purpose and could have deleterious effects in our low-income communities.

Also concerning are this measure's harmful effects on our public lands. The State has long been complicit in efforts to transfer public and "ceded" lands to third parties for the purpose of facilitating commercial development. Divesting the public lands trust is antithetical to the State's responsibility to manage and administer "ceded" lands—lands still subject to claims by Native Hawaiians—consistent with its trust obligations to do so for the betterment of the conditions of Hawaiians. This measure encourages the long-term leasing of public and "ceded" lands for high-end housing projects. Such a use of public trust lands does nothing to benefit the interests of Native Hawaiians or the general public.

The long-term leasing or dedication of trust lands are no less damaging to the public trust than sales. Long term use, such as the 99-year leases encouraged by this measure, effectively transfers land out of the public trust for generations. Once such leases are made, the capital invested and infrastructure developed almost always make it impossible for the State to recover those lands due to political and legal pressure. They also do not represent best management practices: once trust lands are conveyed out under a long-term lease, the use and terms of that lease are set in stone, which then precludes the State from taking into account the changing context of the area, the necessity for updated lease terms, and the evolving needs of its beneficiaries and the public.

This measure must be considered in context:

The [n]ative Hawaiian [p]eople continue to be a unique and distinct people with their own language, social system, ancestral and national lands, customs, practices and institutions. "The health and well-being of the [n]ative [H]awaiian people is intrinsically tied to their deep feelings and attachment to the land." Aina, or land, is of crucial importance to the [n]ative Hawaiian [p]eople -- to their culture, their religion, their economic self-sufficiency and their sense of personal and community wellbeing. **Aina is a living and vital part of the [n]ative Hawaiian cosmology, and is irreplaceable.** The natural elements -- land, air, water, ocean -- are interconnected and interdependent. **To [n]ative Hawaiians, land is not a commodity; it is the foundation of their cultural and spiritual identity as Hawaiians.** The aina is part of their ohana, and they care for it as they do for other members of their families. For them, the land and the natural environment is alive, respected, treasured, praised, and even worshiped.

Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp., 117 Haw. 174, 214, 177 P.3d 884, 924 (2008). For the above-state reasons, the **Native Hawaiian Legal Corporation OPPOSES SB2551**. Mahalo for the opportunity to testify



David Kauila Kopper
Director of Litigation
For the Native Hawaiian Legal Corporation

SB-2251

Submitted on: 1/31/2022 1:01:34 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Benton Kealii Pang, Ph.D.	Individual	Oppose	No

Comments:

Dear Chair Chang, Vice Chair Kanuha, and Members of the Senate Housing Committee,

I **OPPOSE** SB2251, which would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawai'i residents cannot afford; and prevent the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time. I respectfully urge you to please **HOLD** this measure.

Mahalo,

Benton Kealii Pang, Ph.D.

Palolo, Oahu

SB-2251

Submitted on: 1/31/2022 1:11:19 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bianca Isaki	Individual	Oppose	No

Comments:

Senators, please OPPOSE SB 2251. It is the real estate version of the Public Lands Development Corporation, which so abysmally failed to read the needs of Hawai`i communities. This bill allows "ceded" lands set aside or leased to the Hawai`i Public Housing Authority to be used to build non-subsidized (i.e. market- or above-market rate) housing as well as associated commercial and mixed-use development projects. This is near identical SB749, which was killed last year after significant opposition by Native Hawaiian and housing advocates.

Hawai`i has so many social justice problems and monetizing public lands will only exacerbate those issues.

Bianca Isaki

SB-2251

Submitted on: 1/31/2022 3:24:00 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nanea Lo	Individual	Oppose	No

Comments:

Hello,

My name is Nanea Lo. I come from Papakōlea, O‘ahu and I'm born and raised in the Hawaiian Kingdom as a lineal descendant of this place. I'm writing because I **STRONGLY OPPOSE** SB2251.

We have to save ceded lands and say **NO** to Market housing on public lands.

This bill allows "ceded" lands set aside or leased to the Hawai'i Public Housing Authority to be used to build non-subsidized (i.e. market- or above-market rate) housing as well as associated commercial and mixed-use development projects. This is near identical SB749, which was killed last year after significant opposition by Native Hawaiian and housing advocates: SB749 SD2 HD1 contemplates a significant expansion of HPHA's authority, by enabling it to plan, develop, construct, and finance the development of any housing, including market- and above market-rate and non-income restricted units. Combined with HPHA's extremely liberal leasing authority for lands leased or set aside to the agency, this measure may result in significant pressure to set aside or lease large swaths of public and "ceded" lands to the HPHA, to be disposed of for mixed-use and market- or above market-rate developments under multi-generational, long-term leases far exceeding the 65 year limit generally applicable to public land leases.

We cannot allow this to happen now or ever. Stop SB2251.

me ke aloha 'āina,

Nanea Lo.

SB-2251

Submitted on: 1/31/2022 3:45:02 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Rudolph	Individual	Oppose	No

Comments:

Oppose!

No market rate housing on public lands. We are having a housing crisis that is completely devastating Hawai'i families... in case you may not have noticed. We need realistic prices for lower income folks. For the teachers, nurses, grocery, and other 'essential workers' who held us together through this pandemic.

SB-2251

Submitted on: 1/31/2022 4:11:02 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Noa Lincoln	Individual	Oppose	No

Comments:

I **OPPOSE** SB2251, which would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawai'i residents cannot afford; and prevent the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time. I respectfully urge you to please **HOLD** this measure.

Thank you,

Noa Lincoln

SB-2251

Submitted on: 1/31/2022 5:41:49 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michelei Tancayo	Individual	Oppose	No

Comments:

I oppose SB2251. This bill really shows that Hawaii hates Native Hawaiians. Since you constantly trying to take away from Native Hawaiians.

Ceded lands are for Native Hawaiians and should be used for Native Hawaiians ONLY! HPHA should not be allowed to lease ceded lands, since we know HPHA can't discriminate, therefore it will be tragic to see other Race/Ethnicities living on Ceded lands that are for Native Hawaiians.

OHA should start building homes for Native Hawaiians on Ceded lands. Maybe follow the Hawaiian Homes Act. With the difference that OHA doesn't have a blood quantum limit to service Native Hawaiians, you just gotta show ancestry. Therefore, if OHA builds homes every Native Hawaiian with Native Hawaiian acestry will be able to purchase a home.

SB-2251

Submitted on: 1/31/2022 6:35:09 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Letani Peltier	Individual	Oppose	No

Comments:

Public Housing lands should be used for public purposes, not mixed-use for-profit development. Additionally, this bill will incentivize more long-leases of public lands, essentially resulting in the de-facto permanent alienation of "ceded" (read: stolen) lands.

SB-2251

Submitted on: 1/31/2022 6:40:03 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Leimomi Khan	Individual	Oppose	No

Comments:

Strongly oppose SB2251, which would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawai'i residents cannot afford; and prevent the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time. I continue to support the concerns expressed by OHA on a similar bill considered last year, i.e., SB749, SD2, HD1. I respectfully urge you to please **HOLD** this measure.

SB-2251

Submitted on: 1/31/2022 6:54:51 PM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bret Mossman	Individual	Oppose	No

Comments:

Unless this bill is amended to only be affordable housing it does nothing to serve the local communities and represent further abuse of public trust lands. I strongly oppose this bill as written.

SB-2251

Submitted on: 2/1/2022 4:32:39 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
tanya m naehu	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose this bill. Ceded lands have been misused and managed for too long.
mahalo

SB-2251

Submitted on: 2/1/2022 5:06:08 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lee Ann Punua	Individual	Oppose	No

Comments:

Aloha mai kākou,

I strongly oppose this bill! Using public trust lands for this purpose fails to advance the interests of Native Hawaiians or the general public.

Mahalo nui loa,

Lee Ann Anuenue Punua

SB-2251

Submitted on: 2/1/2022 6:20:32 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
danielle marilyn west	Individual	Oppose	No

Comments:

Using public trust lands for this purpose fails to advance the interests of Native Hawaiians, as required by Section 5(f) of the Admission Act. So much of the ceded lands are being misused and mismanaged. Please do not pass this SB. #Oppose

SB-2251

Submitted on: 2/1/2022 6:39:20 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michele Mazzei	Individual	Oppose	No

Comments:

The misuse and mismanagement of aina issues has to stop! We must completely revise this process and put people first NOT corporations or the federal government.

SB-2251

Submitted on: 2/1/2022 7:13:37 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Melissa Kunz	Individual	Oppose	No

Comments:

Dear Chair Chang, Vice Chair Kanuha, and Members of the Senate Housing Committee,

I **OPPOSE SB2251**, which would distract the Hawai'i Public Housing Authority from its primary mission to help house our most vulnerable residents; encourage the use of our limited public land base for housing units that Hawai'i residents cannot afford; and prevent the resolution of Native Hawaiians claims to potentially large swaths of "ceded" lands that may be leased out for commercial and market-rate development, for a century at a time. I respectfully urge you to please **HOLD** this measure.

Thank you,

Melissa Kunz

SB-2251

Submitted on: 2/1/2022 7:59:05 AM

Testimony for HOU on 2/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
K U?ilani Goods	Individual	Oppose	No

Comments:

Mismanagement of our lands is tantamount to a hate crime. Stop. Its not rocket science. Its not even political. Its Hawai'i. Just stop and listen.

Hawai'i. That is where you are. This is the kuleana you (and anyone who chose you) inserted yourself into. Entrusted with kuleana, but your behavior is like that of a slumlord. By definition one who looks to gain (in this case avoid) in housing transaction but cares nothing about the conditions of dwellings or dwellers. There is no word smithing in this bill. Just another proposal to shuck and shirk responsibility, place us in foreign hands, and call it housing. This is not the way. We do not remind you enough, so let me now, you work for the people. We have come to tell you, This Is Not The Way.

Kanaka are an extention of the land. What is your connection? Why are you here? Do you have the faintest idea about what it means to be connected to 'āina? Speak up. What is 'āina to you? Speak up. Have you convinced yourself that Hawai'i is a monochrome Acre, to be handled, divided, and owned for mere profit or development. Speak up. Be clear before you vote.

Where, praytell, have you planned to protect Hawaiian lands? Aren't you a servant? Isn't the entire point for you to serve? If you do not know how to serve the land, you should stop, ask, learn. Even if you have pledged allegiance to the american way, Hawai'i is THEE island state. For crying out loud, enough with the cookie cutter legislative tactics.

Protect Hawai'i. End the Misuse. Get off the "tourism and development is life" drug. Hawai'i has been violated, your duty is to restoration. Put your back into figuring out how we (not the shipping industry) primarily feed ourselves. How much planning have you done so we recyle on our own to the point where waste is eliminated? Have you spent ANY TIME to consider how we detoxify and rid ourselves of the notion that poverty has to be a byproduct of success?

Housing is a vital need. Address it with greater care than this. This is haphazard and transactional. Haphazard and ransactional housing begets haphazard and transactional communities. This is ot the way. Do better.

Oh and fix the legislature website to recognize 'okina and kahakō.



Senate Committee on Housing

Hawai'i Alliance for Progressive Action (HAPA) Opposes: SB2251

Tuesday, February 1st, 2022 1:30 p.m.

Aloha Chair Chang, Vice Chair Kanuha and Members of the Committee,

HAPA opposes SB2251, which may lead to the effective privatization of our public and “ceded” lands, by allowing lands leased or set aside to the Hawai'i Public Housing Authority (“HPHA”) to be used for market- and above market-rate housing as well as associated commercial and mixed-use projects.

The HPHA has the important task of housing the needs of our islands' most financially insecure. The HPHA is also granted liberal leasing authorities, with lands leased or set aside to the HPHA exempted from the lease length and public land disposition protections otherwise applicable to lands held by the state.¹

If the HPHA are given these powers this measure will lead to pressure from private developers to have large amounts of public lands allocated to the HPHA, for the development of residential and commercial projects that are not affordable to residents. This may result in significant impacts to the public's interests. Development agreements are likely to incorporate the use of long-term leases that would encumber public and “ceded” lands for a century at a time. Long-term leases such as these would effectively privatize these lands, resulting in the displacement of future generations, and preventing these lands from being used to fulfill commitments made to Native Hawaiians.

We ask that you please defer SB2251. Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick
Executive Director

[1] See HRS §171-2.