

MAR 14 2007

SENATE CONCURRENT RESOLUTION

EXPRESSING THE SENSE OF THE LEGISLATURE THAT THE STATE SHOULD IMMEDIATELY COMMENCE EMINENT DOMAIN PROCEEDINGS FOR KUKUI GARDENS.

1 WHEREAS, Kukui Gardens is a large, affordable housing
2 complex located on twenty-two acres of land in Palama, City and
3 County of Honolulu; and

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5 WHEREAS, Kukui Gardens is comprised of eight hundred fifty-
6 seven affordable units, housing approximately two thousand five
7 hundred residents; and

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9 WHEREAS, because the United States Department of Housing
10 and Urban Development assisted in financing the development of
11 the Kukui Gardens complex, there was a condition that the lease
12 rents meet certain affordability levels for a minimum of forty
13 years; and

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15 WHEREAS, the forty-year period expires on May 1, 2011; and

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17 WHEREAS, in January 2006, the joint legislative housing and
18 homeless task force expressed concern that the inventory of
19 affordable housing in Hawaii was being reduced; and

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21 WHEREAS, on July 7, 2006, Governor Lingle signed House Bill
22 No. 2239, C.D. 1, into law as Act 288; and

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24 WHEREAS, Act 288, required the State to immediately begin
25 negotiations with the owner of Kukui Gardens, Kukui Gardens
26 Corporation, to either extend the affordability restrictions an
27 additional five years beyond the May 1, 2011, date or acquire
28 the property; and

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30 WHEREAS, Act 288 further requires that if neither of the
31 foregoing objectives can be accomplished within a reasonable



1 time, the State shall exercise its power of eminent domain to
2 acquire Kukui Gardens and use it for the public purpose of
3 providing affordable workforce housing; and
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5 WHEREAS, other factors being equal, the value of Kukui
6 Gardens will increase as the date of the end of the
7 affordability restrictions approaches on May 1, 2011; and
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9 WHEREAS, it is in the best interest of all residents of the
10 State to maintain a supply of affordable housing units; now,
11 therefore,
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13 BE IT RESOLVED by the Senate of the Twenty-fourth
14 Legislature of the State of Hawaii, Regular Session of 2007, the
15 House of Representatives concurring, that it is the sense of the
16 Legislature that a reasonable time has elapsed under the
17 language of Act 288 for negotiating either a five-year extension
18 of the affordability restrictions at Kukui Gardens or acquiring
19 it; and
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21 BE IT FURTHER RESOLVED that it is the sense of the
22 Legislature that the State should immediately exercise its power
23 of eminent domain and commence condemnation proceedings to
24 acquire Kukui Gardens; and
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26 BE IT FURTHER RESOLVED that a certified copy of this
27 Concurrent Resolution be transmitted to the Governor.
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OFFERED BY: Shannon Chun Oakland