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Statement of
Hakim Ouansafi
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Before the

SENATE COMMITTEE ON WAYS AND MEANS

February 29, 2016 9:15 A.M.
Room 211, Hawaii State Capitol

In consideration of
SB 2876, SD 1
RELATING TO PUBLIC LANDS.

Honorable Chair Tokuda and Members of the Senate Committee on Ways and Means, thank you for the opportunity to provide testimony regarding Senate Bill (SB) 2876, Senate Draft (SD) 1, relating to public lands.

The Hawaii Public Housing Authority (HPHA) supports SB 2876, SD 1, which is primarily a "housekeeping" measure, as well as an administrative bill, that seeks to exempt HPHA lands from the definition of "public lands" under Hawaii Revised Statutes (HRS) section 171-2,.

"Public lands" under HRS Chapter 171, are generally under the management, control and jurisdiction of the Department of Land and Natural Resources (DLNR). The HPHA is authorized to acquire, own and hold real property, and therefore, its titled lands do not fall under the catchall jurisdiction of state "public lands" under the DLNR. A Legislative Reference Bureau Report recommended that HRS Section 171-2, be amended to exempt HPHA lands.

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”.

Notably, under this measure, the HPHA would remain subject to HRS Section 171-64.7, which requires prior approval of the sale of State land “by the legislature by concurrent resolution to be adopted by each house by at least a two-thirds majority vote of the members to which each house is entitled in a regular or special session...”

The HPHA appreciates the opportunity to provide the Senate Committee on Ways and Means with the HPHA’s testimony regarding SB 2876, SD 1. We thank you very much for your dedicated support.