

Bernard P. Carvalho, Jr.
Mayor

Nadine K. Nakamura
Managing Director



Kamuela Cobb-Adams
Housing Director

KAUA'I COUNTY HOUSING AGENCY

County of Kaua'i, State of Hawai'i
Pi'ikoi Building 4444 Rice Street Suite 330 Lihu'e Hawai'i 96766
TEL (808) 241-4444 FAX (808) 241-5118

March 20, 2015

The Honorable Senator Maile S.L. Shimabukuro, Chair
and Members of the Committee on Hawaiian Affairs
The Honorable Senator Suzanne Chun Oakland, Chair
and Members of the Committee on Human Services
The Honorable Senator Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
State Senate
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

**SUBJECT: TESTIMONY FOR HOUSE BILL NO. 142, HD 1 RELATING TO
AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS**

Dear Chair Shimabukuro, Chair Chun Oakland, Chair Espero and Committee Members:

Kaua'i County Housing Agency (KCHA) has concerns related to home rule and the implications of administering Act 141, as amended, and HB 142, HD 1 which would extend the sunset date of Act 141 for the Department of Hawaiian Home Lands (DHHL).

KCHA and DHHL have recently executed a memorandum of agreement (MOA) that further defines the administration of Act 141 and aligns with the County's affordable housing policy, Ordinance No. 860. The MOA creates mutually acceptable terms between the County and DHHL to implement the issuance of affordable housing credits. If it is not your decision to hold the bill, we humbly request that the bill be amended to allow each county to individually implement Act 141 in accordance with applicable adopted county ordinances, resolutions, rules or memoranda of agreement. We propose the following amendment:

SECTION 1. Section 46-15.1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:



An Equal Opportunity Employer

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b) Each county shall recognize housing units developed by the department of Hawaiian home land and issue affordable housing credits to the department of Hawaiian home lands ~~[with respect to existing and future Hawaiian home lands projects upon a request for such credits by the department of Hawaiian home lands.]~~ in accordance with applicable adopted county ordinances, resolutions, rules or memoranda of agreement. The credits shall be transferable and each housing unit shall be ~~issued on a one-unit for one-unit basis.]~~ eligible for additional credits as provided by county ordinance, resolution, rule or memorandum of agreement. Credits shall be issued for each single-family residence, multi-family unit, other residential unit, whether for purposes of sale or rental, or if allowed under the county's affordable housing programs, vacant lot, developed by the department of Hawaiian home lands. ~~[The]~~ In accordance with adopted county ordinances, resolutions, rules or memoranda of agreement, the credits may be applied county-wide within the same county in which the credits were earned to satisfy affordable housing obligations imposed by the county on market priced residential and non-residential developments. County-wide or project-specific requirements for the location of affordable housing units; housing class, use, or type; construction time; or other county requirements for affordable housing units shall not impair, restrict, or condition the county's obligation to apply the credits in full satisfaction of all county requirements, whether by rule, ordinance, or particular zoning conditions of a project.

Thank you for your consideration of our testimony and the opportunity to comment.

Sincerely,



Kamuela Cobb-Adams
Housing Director

