

Honolulu, Hawaii

MAR 01 2012

RE: S.R. No. 19
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.R. No. 19 entitled:

"SENATE RESOLUTION URGING GROVE FARM COMPANY TO ALLOW KOLOA
PLANTATION CAMP TENANTS TO REMAIN ON THE PROPERTY PAST THE
EVICTION DATE AND TO ASSIGN THE TENANTS TO DESIGNATED
AFFORDABLE HOMES DEVELOPED AT KOLOA PLANTATION CAMP,"

begs leave to report as follows:

The purpose and intent of this measure is to urge Grove Farm
Company to allow Koloa Plantation Camp tenants to remain on the
camp property past the eviction date and assign the tenants
affordable housing units once the company's proposed development
project is complete.

Your Committee received testimony in support of this measure
from a member of the Board of Trustees of the Office of Hawaiian
Affairs and five private individuals. Testimony in opposition to
this measure was submitted by two private individuals. A Koloa
Plantation Camp resident submitted comments.

Your Committee finds that the Koloa Plantation Camp is a
small, rustic neighborhood that is comprised of century-old homes
from Hawaii's first sugar plantation. Thirteen tenant families
currently live at Koloa Plantation Camp. Two weeks prior to
Thanksgiving 2011, these tenant families were served with eviction
notices directing them to vacate their homes by March 8, 2012,
providing them with less than one hundred twenty days to leave
their homes.



Your Committee finds that Grove Farm Company owns the land on which Koloa Plantation Camp is located and is proposing to develop a fifty-unit residential subdivision on the plantation camp land. As a result, the Koloa Plantation Camp community has united to form Save Koloa Camp to stop the evictions. While Save Koloa Camp is not against the affordable housing project, the group believes that there are many reasons why Koloa Plantation Camp is a poor choice for this proposed development location. As such, Koloa Plantation Camp tenants have proposed an alternative solution that they believe is beneficial to the tenants and the landowner.

Your Committee commends the individual representing the Koloa Plantation Camp tenants who provided comments and information, and appreciates this individual's dedication to saving Koloa Plantation Camp, which is the birthplace of the sugar industry in Hawaii. According to this individual's testimony, the Koloa Plantation Camp tenants support the portion of this measure to allow them to stay on the property past the eviction date. However, they do not want Grove Farm Company to assign them affordable housing units upon completion of the proposed development project. Instead, the tenants want an opportunity to engage in formal discussions with Grove Farm Company to develop an alternative solution that would enable them to remain in their homes and allow Grove Farm Company to build the proposed development elsewhere.

Your Committee strongly believes that razing the historic Koloa Plantation would be a tragic loss not only to the plantation tenants who stand to lose their homes, but also to the State. Koloa Plantation is one of the last remnants of century-old homes that are a historic living symbol of local culture and lifestyle of Kauai and the State. While your Committee recognizes the legal parameters arising from Grove Farm Company's vested rights as landowner and landlord with regard to the Koloa Plantation Camp, it believes the exercise of these rights should be done with due care.

Accordingly, your Committee has amended this measure by:

- (1) Changing the purpose and intent of this measure to:
 - (A) Urge Grove Farm Company to place an immediate stay of eviction to allow the Koloa Plantation Camp



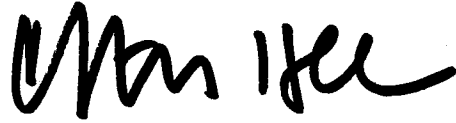
tenants to remain in their homes until alternative solutions are developed; and

- (B) Urge Grove Farm Company to engage in meaningful discussions with the tenants of Koloa Plantation Camp regarding the future plans for the plantation property and the development of alternative solutions;
- (2) Changing the title of this measure to accurately reflect the position of the Koloa Plantation Camp tenants as indicated by the submitted testimony;
 - (3) Adding language to provide the following information:
 - (A) The historical significance and value of the Koloa Plantation Camp and the structures that exist on the property;
 - (B) The historical relationship between plantation landowners and the plantation tenants;
 - (C) The relationship between Grove Farm Company and the tenants of Koloa Plantation Camp; and
 - (D) The details regarding the alternative solution proposed by the Koloa Plantation Camp tenants;
 - (4) Adding individuals and agencies to whom certified copies of this measure shall be transmitted; and
 - (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 19, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 19, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



