SENATE CONCURRENT RESOLUTION

REQUESTING THE DIVISION OF STATE PARKS AND ATTORNEY GENERAL TO PREPARE LEGISLATION FOR THE AHUPUA'A 'O KAHANA STATE PARK TO ADDRESS THE RESIDENTIAL UNITS AS PART OF THE PARK'S INTERPRETIVE ELEMENT.

WHEREAS, the Ahupua'a 'O Kahana State Park (Kahana) was acquired by the State in 1970 with the intent that the families living there would relocate out of Kahana; and

WHEREAS, Senate Resolution No. 186, Regular Session of 1970, requested the Department of Land and Natural Resources (DLNR) to initiate a coordinated effort with the federal, state, and county governments to allow the residents to remain at Kahana by lease, or otherwise at reasonable rates, if legally permitted, or give them preference for relocation in the same area, which led to the Board of Land and Natural Resources' (Board) adoption of a "Living Park" concept in 1971; and

WHEREAS, on December 1, 1993, the Board issued thirty-one leases to families living in Kahana, as authorized by Act 5, Session Laws of Hawaii 1987, as amended, and in most cases the lessees relocated, as a condition for receiving the leases, from their traditional homes near the coast to new residential subdivisions within Kahana and outside of the coastal flood zone; and

WHEREAS, the leases issued on December 1, 1993, are valid for sixty-five years and will expire on November 30, 2058, and do not contain any provisions to allow for an extension; and

WHEREAS, an Attorney General legal memorandum regarding Kahana and dated August 20, 1986, states that the "residents are allowed to live in Kahana only" if they are part of the interpretive programs in the living park, and if "they are not a part of the interpretive programs, they cannot reside at the park"; and
WHEREAS, by 2009, the original residents had accepted leases and relocated to the new residential subdivision, and the six original houses, not demolished, were subsequently occupied by descendants of the lessees; and

WHEREAS, in March 2013, the Board approved the issuance of leases to the six families, triggering the requirement of an environmental assessment; and

WHEREAS, despite the previous Board stipulation on other leases that prohibited homes in hazard areas, such as the flood zone, research confirms that the six residences are located in the flood zone and the Department of Health has determined that these houses utilize unregistered cesspools in violation of chapter 11-62, Hawaii Administrative Rules; and

WHEREAS, the current Kahana residential leased lots are primarily in an existing residential area along Kahana Valley Road and a second existing residential area along Trout Farm Road (the Existing Residential Areas), and the six families could receive leases for already-prepared subdivided vacant lots that exist within the Existing Residential Areas; and

WHEREAS, Habitat for Humanity has pre-qualified the six families, but only if they agree to relocate out of the flood zone, and has confirmed it encourages them to fully apply for the Habitat Home Build program to construct new homes if they choose to relocate; and

WHEREAS, lessees are required to contribute twenty-five hours per month of cultural interpretive activities to the park in lieu of lease rent, and although most of the residents are of Hawaiian ancestry and a number have tenure in Kahana going back several generations, many of the current lessees are not engaging in cultural practices; and

WHEREAS, despite significant good will and decades of volunteer and paid work by many people and government staff over the past forty-six years, the lack of consistent lessee participation and documentation of interpretive hours per the lease requirement makes it evident that the "Living Park"
concept has not succeeded in the current form and should be reconsidered; and

WHEREAS, the six families living in Kahana must abide by the promises made by their kūpuna on behalf of their ‘ohana in 1985 to relocate; and

WHEREAS, the State has established lease requirements for lessees in Maunalaha Valley, Act 225, Session Laws of Hawaii 1981, Miloli‘i-Ho‘opuloa Act 362, Session Laws of Hawaii 1987, and Waiāhole to ensure affordable lease rents for residents; and

WHEREAS, Kahana should continue to be a public state park, with public park use being its sole purpose and separate residential housing a minor, subsidiary, and separate activity; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, the House of Representatives concurring, that the Division of State Parks and Department of the Attorney General are requested to work with agencies and organizations, including the following:

(1) Department of Human Services;
(2) Department of Health;
(3) Legislative Reference Bureau;
(4) Hawaii Housing Finance and Development Corporation;
(5) Chairpersons of the Senate and House of Representatives standing committees with primary jurisdiction over Water and Land and Hawaiian Affairs;
(6) Kahana Planning Council;
(7) Kahana Community Association;
(8) Hawaii Habitat for Humanity Association; and
(9) The Kahana community,
during the 2017-2018 interim to prepare legislation to conform
the use of residential leases at Kahana to the intent to operate
Kahana as a public state park; and

BE IT FURTHER RESOLVED that the proposed legislation
stipulate that no other residences, residential leases,
residential leased lots, or residential areas be planned,
allowed, offered, or issued to anyone, now or in the future, in
any manner and for any reason, anywhere in Kahana, unless
specifically allowed under state statute and require that if any
lease reverts to the State for any reason, the leased lot be
immediately withdrawn from residential use, cleared of any
improvements, and revert to Kahana park; and

BE IT FURTHER RESOLVED that the Division of State Parks and
Department of the Attorney General are requested to submit the
proposed legislation to the Legislature no later than twenty
days prior to the convening of the Regular Session of 2018; and

BE IT FURTHER RESOLVED that the Board of Land and Natural
Resources is requested to offer any of the six Kahana families
who agree to relocate by December 31, 2017, residential leases
to the available, already-prepared subdivided vacant residential
lots within the Existing Residential Areas, under terms of the
new residential leases provided to the twenty-eight current
Kahana lessees, and with benefits including infrastructure,
housing construction assistance, and home construction loans
comparable to the original lease offers of the current Kahana
residential lessees or support from Habitat for Humanity; and

BE IT FURTHER RESOLVED that the Board is requested to find
an alternative method to allow for the issuance of new
residential leases to the current Kahana lessees, together with
any of the additional six families that may be offered leases to
the available already-prepared subdivided vacant residential
lots within the Existing Residential Areas, to remove the
residential lots from Kahana park; and

BE IT FURTHER RESOLVED that certified copies of this
Concurrent Resolution be transmitted to the Governor, Attorney
General, Director of Human Services, Director of Health,
Chairperson of the Board of Land and Natural Resources,
Administrator of the Division of State Parks, Executive Director
of the Hawaii Housing Finance and Development Corporation,
Director of the Legislative Reference Bureau, President of the
Kahana Planning Council, President of the Kahana Community
Association, and Board President of the Hawaii Habitat for
Humanity Association.

OFFERED BY:

[Signatures]

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