

RESOLUTION

REQUESTING THE STATE LEGISLATURE TO REPEAL CHAPTER 171C, HAWAII REVISED STATUTES, IN ITS ENTIRETY TO ABOLISH THE PUBLIC LAND DEVELOPMENT CORPORATION DURING THE 2013 LEGISLATIVE SESSION.

WHEREAS, on May 20, 2011, the Governor signed into law Act 55, which established the Public Land Development Corporation (PLDC) as the development arm of the state Department of Land and Natural Resources (DLNR); and

WHEREAS, Act 55 (2011) codified as Chapter 171C, Hawaii Revised Statutes (HRS), authorizes the PLDC to acquire or contract by grant or purchase all privately owned real property or any interest therein and the improvements thereon, if any, that are determined by the PLDC to be necessary or appropriate for its purposes, including real property together with improvements in excess of that needed for such use in cases where small remnants would otherwise be left or where other justifiable cause necessitates the acquisition to protect and preserve the contemplated improvements, or public policy demands the acquisition in connection with such improvements; and

WHEREAS, Chapter 171C, HRS, allows the PLDC, in cooperation with any governmental agency or through direct investment or co-venture with a professional investor or enterprise, to acquire, construct, operate and maintain public land facilities including but not limited to leisure, recreational, commercial, residential, time share, hotel, office space and business facilities at rates or charges to be determined by the PLDC; and

WHEREAS, Chapter 171C, HRS, authorizes the PLDC to assist developmental, recreation and visitor industry related enterprises or projects developed or managed by the PLDC, by conducting detailed marketing analysis and developing marketing and promotional strategies to better exploit local, national and international markets; and

WHEREAS, Chapter 171C, HRS, authorizes the PLDC to issue bonds to finance the cost and provide security of any project undertaken by the PLDC; and

WHEREAS, Chapter 171C, HRS, authorizes the PLDC to assume management responsibilities of small boat harbors in accordance with Chapter 200, HRS, and any rules adopted pursuant thereto for periods not to exceed one year, subject to approval by DLNR; and

WHEREAS, Chapter 171C, HRS, authorizes the PLDC to recommend to the Board of Land and Natural Resources the purchase of any privately owned properties that may be appropriate for development; and



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WHEREAS, Chapter 171C, HRS, states that the powers conferred to the PLDC shall be liberally construed to effectuate the purposes of the chapter; and

WHEREAS, the City and County of Honolulu (CCH) has severe problems with traffic circulation issues, inadequate numbers of police officers and fire fighters, insufficient potable water wells and sewer capabilities in many areas and allowing uncontrolled development potentially in violation of County zoning, building and road design codes will exacerbate these infrastructure problems for the entire community and cost the taxpayers great expense in the future to rectify these exacerbated problems; and

WHEREAS, the CCH has enacted or is in the process of enacting its own development plans which could be ignored because of Chapter 171C, HRS; and

WHEREAS, only "revenue generating" uses are specifically mentioned in Chapter 171C, HRS, so the "optimal use" appears to be those businesses that are able to generate the highest amount of revenue (such as, hotels, resorts, commercial centers and agribusiness for genetically modified crops) with no regard for parks or other types of community resources; and

WHEREAS, development of residential units will not provide "fair share" contributions because there is no "fair share" code; and

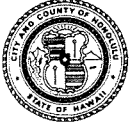
WHEREAS, the CCH's already scarce supply of potable water could be diverted to these potential PLDC developments; and

WHEREAS, PLDC projects may compete with affordable housing projects and could potentially result in the overall reduction of affordable housing projects built or force affordable housing projects to be built in areas that are not in proximity to job centers; and

WHEREAS, Chapter 171C, HRS, allows ceded lands to be used for PLDC projects geared toward generating revenue for the state of Hawaii and not necessarily for the more appropriate use of building homes for native Hawaiian families; and

WHEREAS, Chapter 171C, HRS, will have a detrimental effect on the County's land, ocean and environment and circumvents County zoning laws; and

WHEREAS, the citizenry of the CCH have voiced their concerns with Chapter 171C, HRS, which establishes and governs the PLDC; now, therefore,



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that it requests the Hawaii State Legislature to repeal Chapter 171C, Hawaii Revised Statutes, in its entirety to abolish the Public Land Development Corporation; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Governor, all state Senators and Representatives and the Mayors of the Counties of Kauai, Hawaii, Honolulu, and Maui.

INTRODUCED BY:

TOM BERG

DATE OF INTRODUCTION:

SEP 21 2012
Honolulu, Hawaii

Councilmembers