

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

October 14, 2016

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No: 16OD-079

OAHU

Amend Prior Board Action of June 9, 2016, Item D-4; Set Aside to City and County of Honolulu for Affordable Housing Project for Homeless Families Purposes; Issuance of Non-Exclusive Easement for Utility Purposes; Consent to Lease of Lands to aio Foundation; Moanalua, Honolulu, Oahu, TMK (1) 1-1-003:003, 204 to 207, and 212; (1) 1-2-021:035 to 038.

The Amendment is to add TMK (1) 1-1-003:211 and the portion of lands between the top of the bank (makai boundary) up to the mean lower low water mark to the set aside, and to delete the condition that the executive order be subject to a proposed easement area for a radio transmission tower site.

BACKGROUND:

At its meeting on June 9, 2016, under agenda item D-4, the Board approved the subject matter. A copy of the approved submittal is attached as **Exhibit 1**.

When the Department of the Attorney General is preparing the executive order document, it is noted that one of the requested parcel, as identified by tax map key (1) 1-1-003:211, was missing from the submittal, notwithstanding Parcel 211 was shown on the map in the June 2016 submittal. Staff requests the Board amend its action by including Parcel 211 in the approval to correct this oversight.

For clarification purposes, staff recommends including the portions of lands between the top of the bank (makai boundary) up to the mean lower low water mark as part of the set aside area. If approved, it will provide the future operator of the site with the authority to maintain the area, including power to control any possible trespasser who may locate himself at a spot between the top of the stream bank and the stream itself. In addition, staff recommends the Board allow the insertion of languages in the legal description of the set aside as sufficient to finalize the documentation for the set aside.

Recommendation 1.B of the June 9, 2016 approval stipulates the set aside is subject to a proposed easement for radio transmission tower site. Applicant for the transmission tower site is still in the due diligence process, i.e. the actual configuration and acreages have not been finalized yet. Staff recommends the Board remove this provision from the June 2016 approval, for the sake of clarity.

Upon approval of today's request, staff will work with the Department of the Attorney General on the documentation of the executive order.

**RECOMMENDATION:** That the Board amend its prior Board action of June 9, 2016, under agenda item D-4 by:

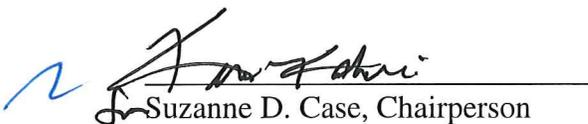
1. Adding tax map key (1) 1-1-003:211 as part of the requested area;
2. Clarifying that the set aside include portion of lands between the top of bank to the mean lower low water mark as described above;
3. Deleting Recommendation 1.B regarding the condition that the executive order be subject to a proposed easement area for the radio transmission tower site;
4. All other terms and conditions listed in its June 9, 2016 approval to remain the same.

Respectfully Submitted,



Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

June 9, 2016

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No: 16OD-079

OAHU

Set Aside to City and County of Honolulu for Affordable Housing Project for Homeless Families Purposes; Issuance of Non-Exclusive Easement for Utility Purposes; Consent to Lease of Lands to aio Foundation; Moanalua, Honolulu, Oahu, TMK (1) 1-1-003:003, 204 to 207, and 212; (1) 1-2-021:035 to 038.

APPLICANT:

City and County of Honolulu, for set aside; and  
  
aio Foundation, a domestic non-profit entity, for consent to lease.

LEGAL REFERENCE:

Sections 171-11, 13, and 95, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Moanalua, Honolulu, Oahu, identified by Tax Map Key Nos.: (1) 1-1-003:003, 204 to 207, and 212, and (1) 1-2-021:035 to 038 as shown on the maps attached as **Exhibits A1 to A3**.

AREA:

13.090 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Revocable Permit No. 7843, Tactical Airgun Games Hawaii LLP, Permittee, for Commercial Recreational Use purposes.

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON

June 9, 2016

**EXHIBIT " 1 "**

D-4

SET ASIDE PURPOSE:

Affordable Housing Project for Homeless Families Purposes.

LEASE TERMS & CONDITIONS:

CHARACTER OF USE:

A 200+ unit affordable rental housing project to provide long-term (10 years plus a 10 year option) affordable housing for homeless families.

TERM:

10 years, plus option to extend for additional 10 years.

RENT AMOUNT:

\$1.00 per annum.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Pursuant to the Governor's Proclamation dated October 16, 2015, as extended by his Supplementary Proclamation of October 26, 2015, his Second Supplementary Proclamation of December 24, 2015, his Third Supplementary Proclamation of February 19, 2016, and his Fourth Supplementary Proclamation dated April 22, 2016, relating to the homeless emergency (collectively, the "**Proclamations**"), Chapter 343, Hawaii Revised Statutes is suspended to "the extent necessary for the purpose of establishing a temporary transitional shelter and facilitating contracting with private providers of homeless services" and, with regard to the City and County of Honolulu ("**City**"), "to establish up to six housing projects ranging from long-term temporary housing to permanent housing to specifically serve homeless individuals or families" that are geographically distributed throughout the island of Oahu. Copies of the Proclamations are attached as **Exhibits B1** through **B5**.

APPLICANT REQUIREMENTS:

1. Provide survey maps and descriptions according to State DAGS standards and at aio Foundation's cost; and
2. Process and obtain approval from the City Department of Planning and Permitting for subdivision approval to designate easements, if such approval is not otherwise waived pursuant to the Proclamations, at Applicant's own cost.

REMARKS:

The subject location was utilized for temporary storage and parking sites in the mid-

1990s. In 2000, the Board issued a revocable permit for commercial recreational activities to Hawaii All-Star Paintball Games, LLC. In June 2014, the Board issued a revocable permit to Tactical Airgun Games Hawaii LLP for the same character of use, due to the passing of the owner of the former permittee. The current monthly rent is \$1,058.

In the meantime, aio Foundation (AIO) obtained a right-of-entry permit from the Board for due diligence purposes at its meeting on November 13, 2015. AIO plans to develop a long-term (10 years plus 10 year option) affordable rental housing on the subject area for the homeless population with social services provided (the "**Project**"). After meetings between AIO and both the State and the City administrations, the City approached the Department and discussed the feasibility of developing the subject site for the Project. City intends to lease the land, upon approval of today's request of setting aside, to AIO who will manage and operate (or will cause to be managed and operated) the Project. See letters from the City and AIO attached as **Exhibits C1** and **C2**.

The presence of unsheltered homeless population, including children, has reached the level of "... endangering the health, safety, and welfare of the people, including families and children, and poses a threat to the environment, and demands emergency action to prevent or mitigate suffering, injury, loss or damage..." (Source: Governor's Proclamation dated October 16, 2015). With the public and private partnership envisioned by the City and AIO, staff believes the proposed set aside and the subsequent leasing is the highest and best use of the subject location, in view of this social issue faced by the State.

The proposed Project also needs easements to the Project site for various uses, e.g. water, sewer, and power. Though the exact alignment and square footage for the easements are not known yet, they would be planned over portions of privately-owned land, identified as tax map key (1) 1-2-021:016, and neighboring State lands, including without limitation those identified as tax map key (1) 1-2-021:035 to 038, and the portion of Keehi Lagoon from Sand Island to the Project site. Therefore, staff recommends the Board authorize the issuance of easements to the City or other appropriate public utility entities for typical utility purposes over the above mentioned State parcels only, with the area and final alignment to be reviewed and approved by the Department of Accounting and General Services, Survey Division.

Currently, AIO is still doing its due diligence, pursuant to the right-of-entry approved by the Board in 2015, toward the feasibility of the proposed project. Assuming the project turns out to be feasible, AIO and the City will agree to enter into the proposed lease. Upon agreement of the lease conditions, AIO will generate the legal description and map of the subject parcels. The last step of the entire process will be signing of the lease. It takes time to complete the processes mentioned above.

Meanwhile, the City will only agree to take over the property pursuant to an executive order **if and when** AIO is ready to enter into the lease with the City. In view of the unique situation, City, AIO, and the Department agree that an immediate termination of

the current RP 7843 is not appropriate. When the City and AIO are ready to enter into a lease, the Permittee will be served a notice to vacate the premises. However, prior to such termination notice, City will work with both the permittee and AIO to decide on a mutually agreeable date for the City/AIO's possession of the subject parcels. If AIO decided not to pursue the lease eventually, the subject request, if approved, shall be deemed to be rescinded without any further Board action, and RP 7843 shall continue to exist under the applicable statutes.

For the Board's information, Blow Up, LLC, a domestic profit entity, obtained a right-of-entry for due diligence located within the Project site from the Board at its meeting of September 11, 2015. The permit is pertaining to the relocation of a radio transmission tower, due to the rail project, from across Nimitz Highway to a portion of the Project site. While the final location of the tower has not been determined, the City and AIO are aware of the forthcoming tower project, which will be over a portion of the proposed set aside area. Blow Up, LLC will apply for an easement at a later date.

This submittal was sent out to other appropriate government agencies to offer their comments on the proposed course of action. Land Division will bring the comments received to the Board for consideration.

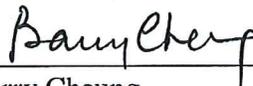
The City has requested that the requested executive order be effective on the same date that the lease from the City to AIO is effective.

RECOMMENDATION: That the Board, subject to Applicant fulfilling the Applicant Requirements above and the City and County of Honolulu and aio Foundation are ready to enter into a lease:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the City and County of Honolulu under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Subject to a proposed easement area for the radio transmission tower site;
  - C. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - D. Review and approval by the Department of the Attorney General;
  - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and

- F. Effective date to be the same as the effective date of the lease from the City to AIO.
2. Authorize the issuance of a perpetual non-exclusive easement to the City and County of Honolulu and other appropriate public utility entities over the areas mentioned above for utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
  - B. Location and area of the easement areas are subject to review and approval by the Department of Accounting and General Services, Survey Division;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Consent to the lease between the City and County of Honolulu and aio Foundation, subject to any applicable conditions cited above and with an effective date the same as the effective date of the executive order.
4. Recommendation Sections 1, 2, and 3 above shall be automatically rescinded without any further Board action if the City and County of Honolulu and aio Foundation cannot agree to enter into a lease.

Respectfully Submitted,



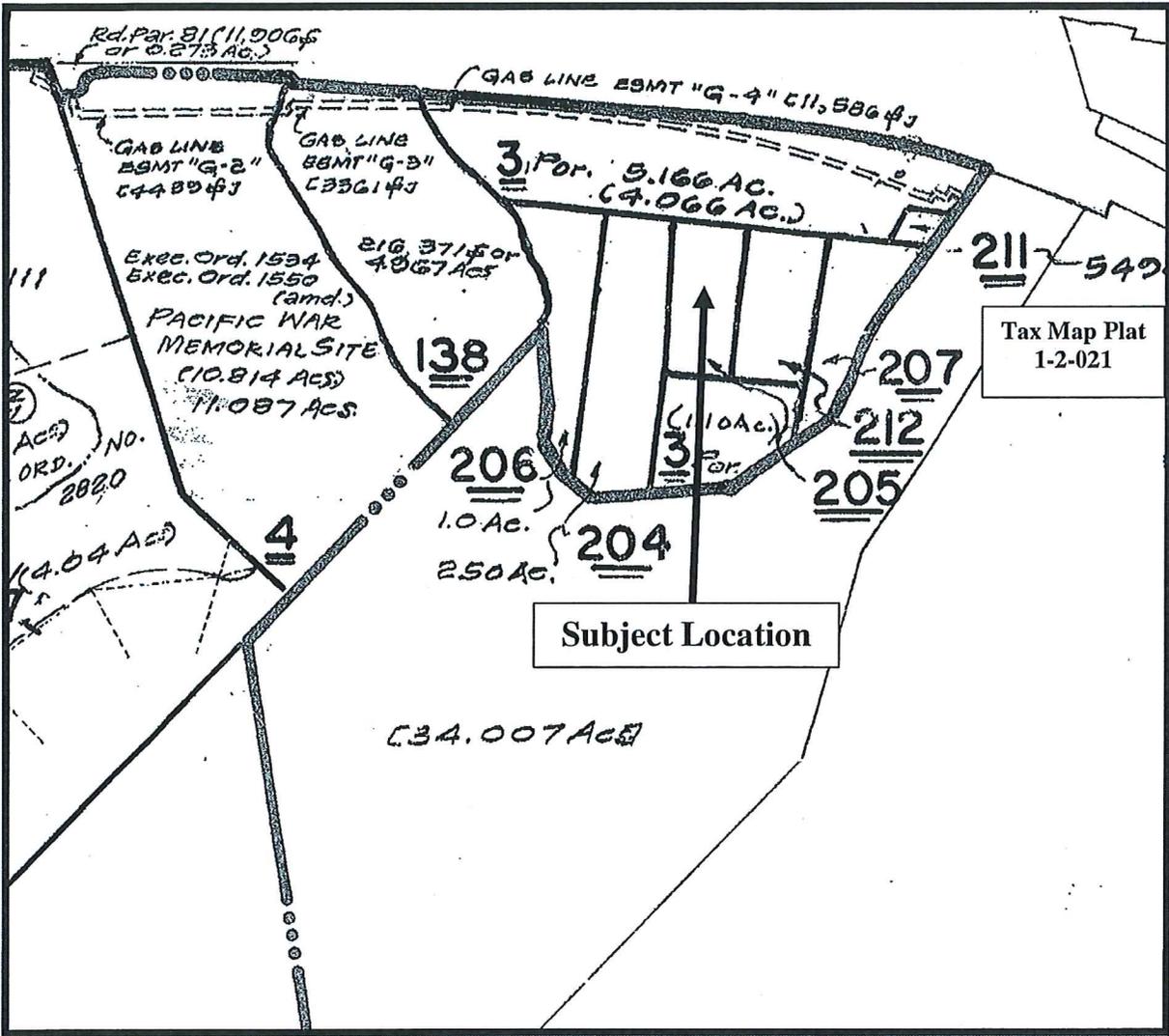
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



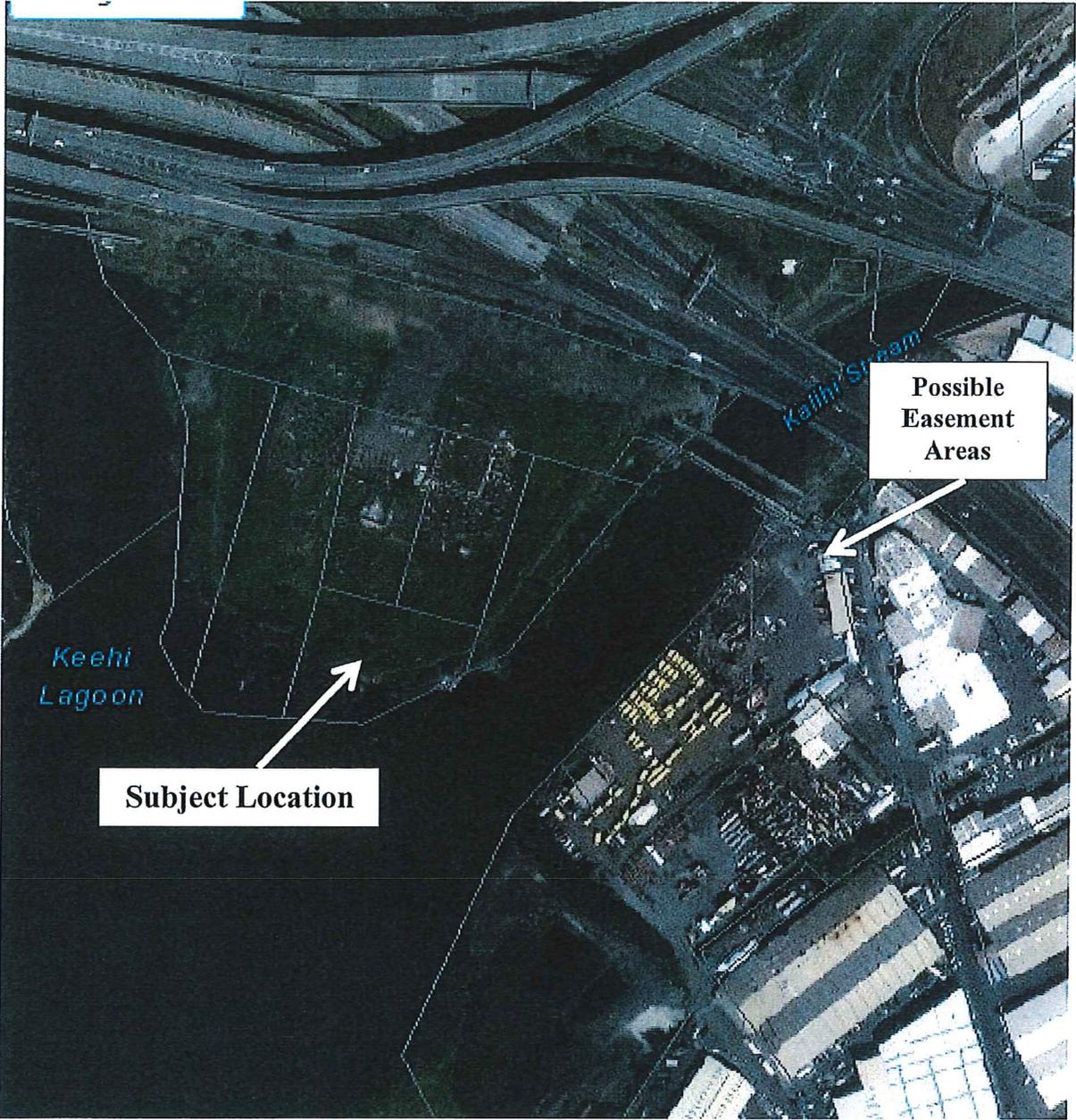
Suzanne D. Case, Chairperson





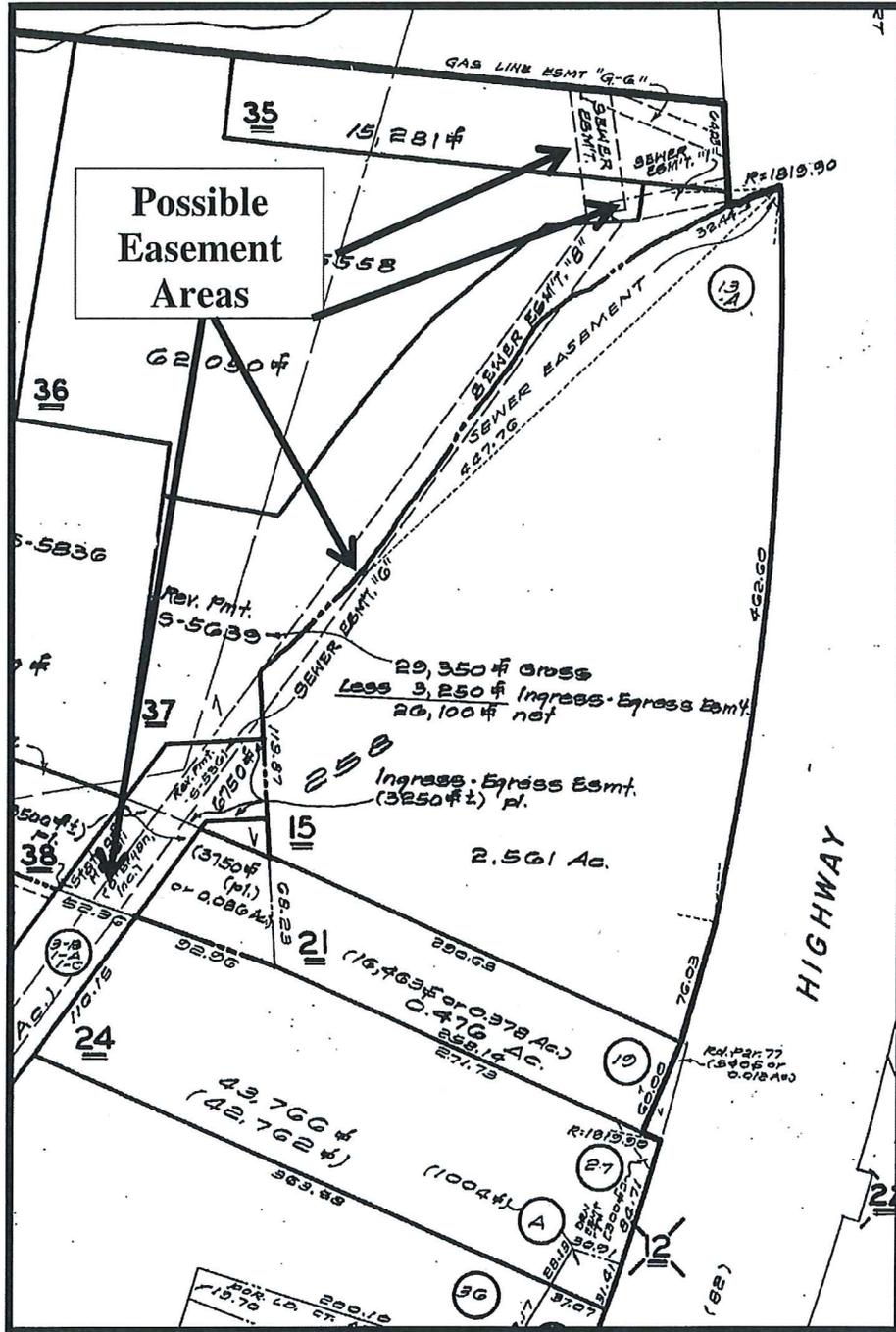
TMK (1) 1-1-003:003, 204 to 207, and 212

# EXHIBIT A1



**TMK (1) 1-1-003:003, 204 to 207, and 212**

**EXHIBIT A2**



TMK (1) 1-2-021:035, 036, 037, and 038

# EXHIBIT A3

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, a recent statewide homeless count highlights the significant increase in homelessness for the entire state; and

WHEREAS, the 2015 Statewide Point-in-Time Count, which is a statewide unduplicated count of homeless individuals and families throughout Hawai'i, estimates the total number of homeless individuals statewide is 7,620; and

WHEREAS, the statewide Count estimates the number of unsheltered homeless individuals is 3,843; and

WHEREAS, of the 3,843 unsheltered homeless individuals, the statewide Count estimates that there are 185 unsheltered families, which consist of a total of 439 unsheltered children throughout the state; and

WHEREAS, these unsheltered homeless individuals and families are living on privately owned and public lands, including the streets, public parks, beaches, and elsewhere on each island; and

WHEREAS, these unsheltered homeless individuals and families are without access to portable toilets, bathrooms, showers and clean water; and

WHEREAS, these unsheltered homeless individuals and families require health and social services in order to maintain themselves safely and in reasonable health; and

WHEREAS, the efforts of state and county law enforcement agencies enforcing state and county laws and providing for the public health and safety are resulting in homeless moving from public lands; and

WHEREAS, existing shelters have been successful in assisting a large number of homeless, but many more individuals remain in need of shelter and assistance; and

WHEREAS, various other shelter projects and opportunities are in the process of being developed, but more time is needed to allow for completion; and

WHEREAS, the completion of more shelter projects is necessary to protect the health and safety of not only the homeless individuals, but all members of the community; and

WHEREAS, the largest population of homeless unsheltered families live on the island of Oahu, consisting of approximately 71 unsheltered families for a total of 153 unsheltered children under the age of 18 years of age; and

WHEREAS, the State is exploring various locations on which temporary buildings may be constructed, installed, or renovated in order to shelter these homeless individuals in a safe and sanitary manner and to provide necessary health and social services to them; and

WHEREAS, these possible locations, as well as others that may be identified, will be designed to provide temporary transitional shelter for the homeless and to provide necessary health and social services to assist these individuals and families in successfully transitioning into permanent housing; and

WHEREAS, the completion of the shelter site, together with any associated contracts, is necessary to protect the health and safety for the homeless individuals and families; and

WHEREAS, in addition to the temporary shelter initiative, and associated contracts, the State Department of Human Services, Homeless Programs Office currently administers numerous contracts with private providers for homeless services statewide; and

WHEREAS, these State homeless programs provide emergency and/or transitional shelter, including adequate meals or cooking facilities; outreach services, including case management to enable families to obtain and retain permanent housing, job training, medical and social services referrals, childcare, educational and life skills

classes; emergency grants, which provide monetary assistance to assist with housing, food, medical and other types of expenses arising from emergency needs, including housing rental deposit and rent, utility costs/deposit, emergency medical care and expenses, transportation and job-hunting expenses; and housing placement, which coordinates housing opportunities with private landlords; and

WHEREAS, the contracts for these existing State funded homeless programs will terminate at the end of December 2015 and January 2016 but there is a great risk that procurement will not be completed before the termination date of these contracts; and

WHEREAS, if these State funded homeless programs were to close or cease operations, homeless services would discontinue and significant numbers of homeless individuals and families would be without the necessary life-sustaining services, including the temporary shelter services, leaving many more individuals and families displaced increasing the number of unsheltered homeless statewide; and

WHEREAS, the lack of secure, safe, and sanitary shelter, and adequate health and social services, for this large number of people without homes is endangering the health, safety, and welfare of the people, including families and children, and poses a threat to the environment, and demands emergency action to prevent or mitigate suffering, injury, loss, or damage; and

WHEREAS, the Legislature of the State of Hawaii has appropriated from the general revenues of the State, monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the disaster; and

WHEREAS, in expending such monies, the Governor may allot any portion to any agency, office, or employee of the state or a county for the most expeditious and efficient relief of the conditions created by the disaster; and

WHEREAS, pursuant to sections 127A-14 and 127A-16, Hawaii Revised Statutes, the Governor is authorized to determine whether an emergency or disaster has occurred, or there is an imminent danger or threat of an emergency or disaster and authorize actions under chapter 127A, Hawaii Revised Statutes, and the expenditure of funds thereunder; and

WHEREAS, pursuant to section 127A-13(a)(3), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws specifically made applicable to emergency personnel; and

WHEREAS, pursuant to section 127A-13(a)(2), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws and to result from the operation of federal programs or measures taken under chapter 127A, Hawaii Revised Statutes, by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

WHEREAS, pursuant to section 127A-12(a)(8), Hawaii Revised Statutes, the Governor may suspend chapters 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, and I find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

WHEREAS, pursuant to section 127A-12(b)(16), Hawaii Revised Statutes, the Governor is further authorized to order and direct government agencies, officials, officers, and employees of the State, to take such action and employ such measures for law enforcement, medical, health, firefighting, traffic control, warnings and signals, engineering, rescue, construction, emergency housing, other welfare, hospitalization, transportation, water supply, public information, training, and other emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to section 127A-12(b)(9), Hawaii Revised Statutes, the Governor may appoint, employ, train, equip, and maintain, with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, such agencies, officers, and other persons as the Governor deems necessary to carry out emergency management functions; determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and

other persons; and subject to the provisions of chapter 127A, Hawaii Revised Statutes, provide for the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the State; and

WHEREAS, pursuant to section 127A-12(b)(19), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, Hawaii Revised Statutes notwithstanding that powers in section 127A-13(a) may only be exercised during an emergency period; and

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawaii, hereby determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, has occurred in the State of Hawai'i, and do hereby proclaim an emergency for the purpose of implementing the emergency management functions as allowed by law, authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of damages, losses, and suffering resulting from the emergency, and hereby invoke the following measures under the Hawaii Revised Statutes:

1. Sections 127A-13 and 127A-12, Hawaii Revised Statutes, suspend, as allowed by law, the following statutes and regulations to the extent necessary for the purpose of establishing a temporary transitional shelter and facilitating contracting with private providers of homeless services:
  - a. Chapter 6E, Hawaii Revised Statutes, **Historic Preservation.**
  - b. Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury.**
  - c. Section 37-74(d), Hawaii Revised Statutes, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), Hawaii Revised Statutes, and any such transfers or changes shall be considered authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.
  - d. Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations.**

- e. Chapter 46, **county organization and administration** as any county ordinance, rule, regulation, law, or provision in any form applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this Proclamation.
- f. Chapter 89, Hawaii Revised Statutes, **Collective Bargaining In Public Employment**.
- g. Chapter 89C, Hawaii Revised Statutes, **Public Officers And Employees Excluded From Collective Bargaining**.
- h. Chapter 92, **Public Agency Meetings and Records**, to the extent that any notice requirements or any other provisions of Chapter 92 may delay the expeditious action, decision, or approval of any agency.
- i. Section 102-2, Hawaii Revised Statutes, **Contracts For Concessions In Government Buildings; Bid Requirements**.
- j. Section 103-2, Hawaii Revised Statutes, **General Fund**.
- k. Section 103-53, Hawaii Revised Statutes, **Contracts With The State Or Counties; Tax Clearances, Assignments**.
- l. Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services**.
- m. Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code**.
- n. Chapter 103F, Hawaii Revised Statutes, **Purchases of Health and Human Services**.
- o. Chapter 104, Hawaii Revised Statutes, **wages and hours of employees on public works**.
- p. Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations**.

- q. Section 127A-30, Hawaii Revised Statutes, **Rental or sale of essential commodities during a state of emergency; prohibition against price increases.**
  - r. Chapter 171, Hawaii Revised Statutes, **Public Lands.**
  - s. Chapter 205, Hawaii Revised Statutes, **Land Use Commission.**
  - t. Chapter 205A, Hawaii Revised Statutes, **Coastal zone management.**
  - u. Chapter 206E, Hawaii Revised Statutes, **Hawaii Community Development Authority.**
  - v. Chapter 343, Hawaii Revised Statutes, **Environmental impact statements.**
  - w. Chapter 346, Hawaii Revised Statutes, **Social Services.**
  - x. Section 464-4, Hawaii Revised Statutes, **public works required to be supervised by certain professionals.**
  - y. Sections 601-1.5, 708-817, 708-818, 708-820, 708-830.5, and 708-840, Hawaii Revised Statutes, to the extent that these sections contain provisions for the suspension, tolling, extension, or granting of relief from deadlines, time schedules, or filing requirements in civil, criminal, or administrative matters before the courts of the state or to the extent that these sections contain provisions for criminal penalties that are automatically heightened by reason of any declared disaster or emergency.
2. Section 127A-12(b), Hawaii Revised Statutes, and in order to provide emergency relief consistent with the intent of this Proclamation, I hereby direct all state agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to address the objectives of this Proclamation in addressing the homeless situation.

I FURTHER DECLARE that a disaster emergency relief period shall commence immediately and shall terminate automatically sixty days after the issuance of this Proclamation or by a separate proclamation whichever occurs first. Notwithstanding the

termination of a disaster emergency relief period, any contracts, agreements, procurements, or programs entered into, started, or continued by reason of the provisions of this Proclamation shall continue. However, any contract entered into under this Proclamation for providing homeless services shall be limited to a period not to exceed 12 months.

I FURTHER DECLARE that this Proclamation is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of Hawai'i or its agencies, departments, entities, officers, employees, or any other person.

Done at the State Capitol, this  
16th day of October, 2015.



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DAVID Y. IGE  
*Governor of Hawaii*

APPROVED:



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DOUGLAS S. CHIN  
*Attorney General  
State of Hawaii*

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**SUPPLEMENTARY PROCLAMATION**

By the authority vested in me as Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to Chapter 127A, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawaii to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, It has become necessary to supplement my Proclamation of October 16, 2015, relating to the homeless emergency; and

WHEREAS, it has become clear that it will require additional efforts and assistance to properly ease the homeless emergency that exists in the State of Hawaii beyond the establishment of an additional temporary transitional shelter and facilitating contracting with private providers of homeless services; and

WHEREAS, the best opportunity to address the homeless emergency is with a coordinated response from many fronts involving many different state, county, and private agencies; and

WHEREAS, to ensure long-term success, this coordinated response effort must include establishing and maintaining good relationships with the homeless population, educating both the homeless and providers of service to the homeless; assisting with services, training, and opportunities, and relocation; and

WHEREAS, it has become necessary to expand the homeless emergency response efforts to include all efforts necessary to respond to the current homeless emergency in the State of Hawaii.

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawaii, hereby further determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, has occurred in the State of Hawai'i, and do hereby supplement my October 16, 2015 Proclamation in order to provide further emergency relief by:

1. Expanding the purpose of my October 16, 2015 Proclamation to include all efforts necessary to respond to the current homeless emergency in the State of Hawaii, including, if necessary, property restoration efforts, provided further that to the greatest extent practicable and where possible, state agencies will endeavor to include a coordinated response among participating state, county, and private agencies that include:
  - a. Establishing and maintaining good relationships with the homeless population;
  - b. Educating the homeless population and providers of service to the homeless;
  - c. Assisting with providing services, training, and opportunities to the homeless population; and
  - d. Employing relocation efforts.
2. Authorizing and invoking sections 127A-13 and 127A-12, Hawaii Revised Statutes, by suspending, as allowed by law, the following statutes and regulations to the extent necessary for the purpose of providing emergency relief as necessary to address the homeless emergency contemplated in my October 16, Proclamation and this Supplementary Proclamation:
  - a. Chapter 91, Hawaii Revised Statutes, **Administrative Procedure**, as those provisions relate to rulemaking.

3. Section 127A-12(b), Hawaii Revised Statutes by expanding my directive contained in my October 16, 2015 Proclamation that all state agencies and officers cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to address the objectives of the homeless emergency to include the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the State as needed or requested.

I FURTHER DECLARE that all the provisions of my Proclamation of October 16, 2015, shall remain in full force and effect and are hereby included in the provisions of this Supplementary Proclamation and the disaster emergency relief period shall continue until terminated automatically sixty days after the issuance of this Supplementary Proclamation or by a separate proclamation whichever occurs first.

Done at the State Capitol, this  
26<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
DAVID Y. IGE  
Governor of Hawaii

APPROVED:

  
\_\_\_\_\_  
DOUGLAS S. CHIN  
Attorney General  
State of Hawaii

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**SECOND SUPPLEMENTARY PROCLAMATION**

By the authority vested in me as Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to Chapter 127A, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, It has become necessary to supplement my Proclamation of October 16, 2015, and my Supplementary Proclamation of October 26, 2015 relating to the homeless emergency; and

WHEREAS, the County of Kaua'i has an estimated homeless population in excess of three hundred persons with only one homeless shelter to serve nineteen persons and is engaged in plans to establish a Temporary Houseless and Assessment Shelter to accommodate up to twenty individuals per day and serve as a safe and central environment for homeless individuals to receive social services, meals, laundry assistance, and hygiene services; and

WHEREAS, the County of Maui has experienced an estimated twenty percent increase in its homeless population, including a twenty-three percent increase in the number of unsheltered homeless persons and is also engaged in plans to address its unsheltered homeless population by establishing Pu'u'honua, or Sanctuaries, in Kahului, Wailuku, and Lahaina to offer modular units to be placed on property located in close proximity to existing emergency or transitional homeless shelters to serve approximately one hundred ninety individuals with an estimated number of sixty four per site; and

WHEREAS, the County of Hawai'i has experienced an estimated fifty-five percent increase in unsheltered homeless persons and is engaged in plans to establish a micro-unit housing project in West Hawai'i to target chronically homeless households

2015 Governor Emergency Supplementary Proclamation Homeless-FINAL (with AGDC rev)

**EXHIBIT "B3"**

to serve up to thirty two individuals and also provide individual and group counseling as well as wraparound social services; and

WHEREAS, the City and County of Honolulu has an estimated homeless population in excess of 4,900 that represents two-thirds of the State's total estimated homeless population and is engaged in plans to establish long-term housing projects specifically designed to serve homeless individuals or families, which will be geographically distributed throughout the island of O'ahu; and

WHEREAS, it has become clear that additional and continued efforts and assistance are needed to properly ease the homeless emergency that exists in the State of Hawai'i; and

WHEREAS, it has become necessary to expand the homeless emergency response efforts to include efforts at the county level to respond to the current homeless emergency in the State of Hawai'i.

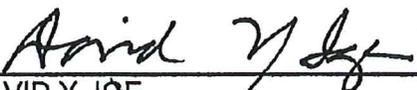
NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby further determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, has occurred in the State of Hawai'i and do hereby supplement my October 16, 2015 Proclamation and my Supplementary Proclamation of October 26, 2015 relating to the homeless emergency in order to provide further emergency relief by:

1. Expanding the purpose of my proclamations to include the efforts of the County of Kaua'i in its plans to establish a Temporary Homeless and Assessment Shelter to accommodate up to twenty individuals per day and serve as a safe and central environment for homeless individuals to receive social services, meals, laundry assistance, and hygiene services.
2. Expanding the purpose of my proclamations to include the efforts of the County of Maui in its plans to establish Pu'uhoonua, or Sanctuaries, in Kahului, Wailuku, and Lahaina to offer modular units to be placed on property located in close proximity to existing emergency or transitional homeless shelters to serve approximately one hundred ninety individuals with an estimated number of sixty four per site.

3. Expanding the purpose of my proclamations to include the efforts of the County of Hawai'i in plans to establish a micro-unit housing project in West Hawai'i to target chronically homeless households to serve up to thirty two individuals and also provide individual and group counseling as well as wraparound social services.
4. Expanding the purpose of my proclamations to include the efforts of the City and County of Honolulu in plans to establish up to six housing projects ranging from long-term temporary housing to permanent housing to specifically serve homeless individuals or families. Such housing projects will be geographically distributed throughout the island of O'ahu

I FURTHER DECLARE that all the provisions of my Proclamation of October 16, 2015 and my Supplementary Proclamation of October 26, 2015 relating to the homeless emergency, shall remain in full force and effect and are hereby included in the provisions of this Second Supplementary Proclamation and the disaster emergency relief period shall continue until terminated automatically sixty days after December 25, 2015 or by a separate proclamation whichever occurs first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, or programs entered into, started, or continued by reason of the provisions of my proclamations relating to this emergency shall continue. However, any contract entered into under this Proclamation for providing homeless services shall be limited to a period not to exceed 12 months, but may be extended for a period of 6 months provided such extension is at no additional cost.

Done at the State Capitol, this  
24<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
DAVID Y. IGE  
Governor of Hawai'i

APPROVED:

  
\_\_\_\_\_  
DOUGLAS S. CHIN  
Attorney General  
State of Hawai'i

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**THIRD SUPPLEMENTARY PROCLAMATION**

By the authority vested in me as Acting Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, SHAN S. TSUTSUI, Acting Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to Chapter 127A, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, it has become necessary to supplement Governor Ige's Proclamation of October 16, 2015, his Supplementary Proclamation of October 26, 2015, and his Second Supplementary Proclamation of December 24, 2015 relating to the homeless emergency; and

WHEREAS, the County of Maui is engaged in plans to address its unsheltered homeless population by establishing a long-term housing project in Wailuku to target homeless households to serve between 64 to 128 households; and

WHEREAS, all counties in the State are facing this homeless emergency and need to be able to expend county moneys for the repair and maintenance of existing county shelters; and

WHEREAS, the conditions giving rise to the homeless emergency continue; and

NOW, THEREFORE, I, SHAN S. TSUTSUI, Acting Governor of the State of Hawai'i, hereby further determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, continues in the State of Hawai'i, and do hereby supplement Governor Ige's October 16, 2015 Proclamation, his Supplementary Proclamation of October 26, 2015, and his Second Supplementary Proclamation of December 24, 2015 relating to the homeless emergency in order to provide emergency

relief by expanding the purpose of his proclamations to include the efforts of the County of Maui in its plans to establish a long-term housing project in Wailuku to target homeless households to serve between 64 to 128 households and all counties for the repair and maintenance of existing county shelters.

I FURTHER DECLARE that all the provisions of Governor Ige's Proclamation of October 16, 2015, his Supplementary Proclamation of October 26, 2015, and his Second Supplementary Proclamation of December 24, 2015 relating to the homeless emergency, shall remain in full force and effect and are hereby included in the provisions of this Third Supplementary Proclamation and the disaster emergency relief period shall continue until terminated automatically sixty days after February 23, 2016 or by a separate proclamation whichever occurs first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, or continued by reason of the provisions of my proclamations relating to this emergency shall continue. However, any contract entered into under this Proclamation for providing homeless services shall be limited to a period not to exceed 12 months, but may be extended for a period of 6 months provided such extension is at no additional cost above existing contract compensation and payment schedules.

Done at the State Capitol, this  
19<sup>th</sup> day of February, 2016



Shan S. Tsutsui  
*Acting Governor of Hawaii*

APPROVED:



DOUGLAS S. CHIN  
*Attorney General  
State of Hawaii*

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**FOURTH SUPPLEMENTARY PROCLAMATION**

By the authority vested in me as <sup>AMY</sup>~~David~~ Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to Chapter 127A, Hawai'i Revised Statutes, emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, it has become necessary to supplement my Proclamation of October 16, 2015, my Supplementary Proclamation of October 26, 2015, my Second Supplementary Proclamation of December 24, 2015, and the Third Supplementary Proclamation of February 19, 2016, relating to the homeless emergency; and

WHEREAS, the conditions giving rise to the homeless emergency continue; and

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby further determine that an emergency or disaster contemplated by section 127A-14, Hawai'i Revised Statutes, continues in the State of Hawai'i, and do hereby continue and extend my Proclamation of October 16, 2015, my Supplementary Proclamation of October 26, 2015, my Second Supplementary Proclamation of December 24, 2015, and the Third Supplementary Proclamation of February 19, 2016, relating to the homeless emergency in order to provide emergency relief and hereby declare that all the provisions of these proclamations shall remain in full force and effect and are hereby included in the provisions of this Fourth Supplementary Proclamation and the disaster emergency relief period shall continue until terminated sixty days after April 23, 2016 or by a separate proclamation whichever occurs first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, or continued by reason of the provisions of my proclamations relating to this emergency shall continue. However, any

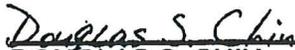
contract entered into under this Proclamation for providing homeless services shall be limited to a period not to exceed 12 months, but may be extended for a period of 6 months provided such extension is at no additional cost above existing contract compensation and payment schedules.

Done at the State Capitol, this  
22<sup>nd</sup> day of April, 2016



\_\_\_\_\_  
David Y. Ige  
Governor of Hawai'i

APPROVED:

  
\_\_\_\_\_  
DOUGLAS S. CHIN  
Attorney General  
State of Hawai'i

OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 \* HONOLULU, HAWAII 96813  
PHONE: (808) 768-4141 \* FAX: (808) 768-4242 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)

KIRK CALDWELL  
MAYOR



ROY K. AMEMIYA, JR.  
MANAGING DIRECTOR  
GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

May 23, 2016

Ms. Suzanne Case, Chairperson  
Board of Land and Natural Resources  
State of Hawaii  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

Dear Ms. Case:

The City and County of Honolulu ("City") requests the approval of the Board of Land and Natural Resources in the set aside and transfer of jurisdiction of land owned by the State of Hawaii and located off Nimitz Highway between Keehi Lagoon Park and Sand Island pursuant to Haw. Rev. Stat. §171-11. The parcels of land are located on the site of a former paintball recreational business and are identified as Tax Map Key Nos. (1) 1-1-003:003, 204, 205, 206, 207 and 212 consisting of approximately 13.090 acres of land ("Property"). The City also requests grants of easements across State lands located on Sand Island to the east of the Property and across Keehi Lagoon, Tax Map Key Nos. (1) 1-2-021:035 to 038, in order to install water and sewer services to the Property and to permit Hawaiian Electric Company to install power lines and utility poles to the Property.

The State of Hawaii and the City were approached by aio Foundation, a 501(c)(3) nonprofit organization, who proposed partnering with the State, the City and the Housing ASAP consortium of social service providers to provide alternative housing for homeless families on Oahu. aio Foundation proposes to construct and operate a permanent cluster of approximately 200+ homes together with community gardens and playground areas for families with children who are in need of shelter ("Project"). aio Foundation will erect Komatsu constructed emergency shelters modified to have the look and feel of a plantation home. These homes will then be rented, at a reduced rate, to homeless individuals and homeless families.

aio Foundation intends to assume all financial and operational responsibilities for the Project, including the power line to the Property. The City is willing to support the Project by extending water and sewer service lines to provide municipal water and sewer service to the Property. More detailed information about the Project is described in the attached letter from aio Foundation in support of its request for a lease from the City of the Property. The executive order and the lease are intended to become effective concurrently.

EXHIBIT "c1"

Ms. Suzanne Case  
March 23, 2016  
Page 2

aio Foundation and the City have identified the Property as an ideal location for the Project. It is bounded by Keehi Lagoon on three sides and Nimitz Highway on the *mauka* side. Other than the utility lines that are proposed to be located primarily in Alahao Place on Sand Island and over a sewer line bridge crossing Keehi Lagoon, no abutting properties are affected.

The Property is presently used for a recreational paintball site, primarily on the weekends. Prior to the executive order and lease of the Property, the paintball operation would need to be discontinued and removed from the Property.

The Property is also presently used by homeless individuals who live along the banks of the Property. As indicated in aio Foundation's attached letter, aio Foundation intends to work with social service agencies to develop a plan and strategy on addressing this issue prior to starting any work on the Project.

The City is able to proceed with this Project as proposed with the authorization of the Governor's Proclamation, which states as part of its purposes:

"to include all efforts necessary to respond to the current homeless emergency in the State of Hawaii,

"to include the efforts of the City and County of Honolulu in plans . . . ranging from long-term temporary housing to permanent housing to specifically serve homeless individuals or families."

The City's authorization under the Governor's Proclamation will allow the City, among other things, to enter into a ten year lease with a ten year extension option directly with aio Foundation and to facilitate the development and completion of the Project with the urgency required to address, in part, the immediate need for housing the homeless.

We have completed and enclosed the Request for State Lands – Application Form which contains a site development plan as well as renderings of the exterior of the units.

The City's contact person for this matter is:

Ed Manglallan  
Deputy Director, Department of Facilities Maintenance  
City and County of Honolulu  
1000 Uluohia Street, Suite 215  
Kapolei, Hawaii 96707  
Office: 808-768-3346  
Email: [emanglallan@honolulu.gov](mailto:emanglallan@honolulu.gov)

Ms. Suzanne Case  
March 23, 2016  
Page 3

You may also contact Deputy Corporation Counsel Jennifer Waihee-Polk at (808) 768-5231 ([jwaihee@honolulu.gov](mailto:jwaihee@honolulu.gov)) or Deputy Corporation Counsel Marilyn Ushijima at (808) 768-5190 ([mushijima@honolulu.gov](mailto:mushijima@honolulu.gov)).

Thank you for your consideration.

Sincerely,



*FOR* Kirk Caldwell  
Mayor

Attachment

cc: Barry Cheung, Land Agent, Department of Land and Natural Resources  
Duane Kurisu, aio Foundation

(RW)

May 22, 2016

Mayor Kirk Caldwell  
City and County of Honolulu  
530 South King Street  
Honolulu, Hawaii 96813

Re: Land Situated Off Nimitz Highway between Keehi Lagoon Park and Sand Island

Dear Mayor Caldwell:

We propose to build a community of homes to provide a long term affordable housing solution for homeless families with children in Hawaii. Kahauiki Village is a 200+ home development of single family dwellings and duplexes to be built on reclaimed land situated off Nimitz Highway between Keehi Lagoon Park and Sand Island.

The design and proposed operation of Kahauiki Village is inspired by the sugar plantation towns of the past. While the basic structure of the homes are the emergency shelters built for the Tohoku tsunami victims by the Japanese industrial giant, Komatsu, architect Lloyd Sueda is providing exterior embellishments, like woods siding, new roof and roof lines reminiscent of old plantation homes. There will be a common gathering place for community activities and garden areas to grow vegetables for consumption. Trees will be mostly fruit bearing trees rather than those typically used for ornamental purposes only.

We have met with and have pledged to work with most of the social services providers in Hawaii to work with as the source for those homeless families that they feel are prepared to enter into lease agreements for a home or duplex in Kahauiki Village. We expect that the rent will be approximately \$500 per month to cover maintenance, common area expenses and for a sinking fund for future repairs and replacement. Each family is expected to pay their own utility bills.

Potential employment is being offered by Vicky Cayetano, owner of United Laundry, who has advised us that she will hire all homeless adults that need work. United Laundry is only a few minutes walk away from Kahauiki Village.

The City & County of Honolulu will build offsite improvements for water and sewer connection. aio Foundation will raise the money required the build the homes and will be the entity responsible for the physical and fiscal management of Kahauiki Village. We intend on hiring a professional third party manager to provide real estate management services.

**EXHIBIT "C2"**

We have committed to build the homes using union labor. The major unions have stepped forward to give their support in helping to resolve the issue of homelessness in Hawaii. In addition, there are so many other people to thank and we will do so on our new website that will go live in a few weeks. These people have all donated time and energy to help bring this project to where it is today.

There is the issue of homeless people currently living on the property. While we don't have a solution today on how to take care of the existing homeless people, we know we need to consult our social service agencies, and have begun to do so, to assist us in planning and executing a strategy on addressing this issue prior to starting any work on building Kahauiki Village.

We hope that you will look upon this partnership between the State of Hawaii, the City & County of Honolulu, aio Foundation and many community members and people from private industry as a positive initiative to help bring our community together to resolve one of our most pressing issues facing us today.

Thank you for your kind consideration.

Very truly yours,



Duane K Kurisu  
On behalf of aio Foundation