

CITY AFFAIRS UPDATE

KEEPING HONOLULU REALTORS® INFORMED & INVOLVED IN HBR'S PUBLIC POLICY AGENDA

Resolution Introduces HSAC Legislative Package

The Hawaii State Association of Counties (HSAC) is comprised of the county councils and mayors of each of Hawaii's four counties. The purpose of HSAC is to coordinate county programs in the best interest of the people of the State of Hawaii; improve the conduct of county government through the creation of practical and efficient county legislation; support development of fair administrative procedures; and serve as a single source of information for all counties that shall be available to the Governor and the Legislature.

Each year, HSAC submits to the Hawaii State Legislature a legislative comprised of recommendations for legislative actions which all four counties agree to support. Approved for inclusion in the 2012 HSAC legislative package are:

A proposed bill requiring the State Director of Finance to transmit a percentage of all fines and forfeitures for uncontested traffic infractions committed in that county.

A proposed bill increasing the amount of time county councils have to review affordable housing projects submitted pursuant to HRS Section 201H-38 from 45 days to 60 days

A proposed bill that would revise and clarify agricultural product branding and country or region of origin labeling laws as provided in HRS Chapter 486.

A proposed bill increasing the gallonage tax on liquor and transferring the additional revenue to the respective counties for the purpose of reimbursing counties for the costs of services, equipment, training, education, and public service announcements related to driving while under the influence of an intoxicant.

A proposed bill providing the counties with representation on the Employees' Retirement System Board of Trustees.

A bill, H.B. No. 175, H.D. 2 (2011), providing the counties with representation on the Hawaii employer-union health benefits trust fund (EUTF) board.

A proposed bill requiring publication of notice and a public hearing for Type II residential care home applications.

A proposed resolution, urging the U.S. government to reimburse the counties for all costs relating to the Asia Pacific Economic Cooperation Leaders Meeting (APEC).

A proposed bill creating a new bargaining unit for water safety officer employed by the state or counties.

A proposed resolution urging the U.S. Department of State, the Department of Homeland Security, and the U.S. Attorney General to ease visa restrictions for the People's Republic of China.

A proposed bill providing the counties with liability protection for natural conditions on or near public beach parks.

A proposed resolution urging the legislature to provide funding for any activities mandated to any of the counties by the State of Hawaii.

A proposed resolution urging the Governor and legislature to maintain the counties' share of the transient accommodations tax.

US Senators Announce Federal Funds Available for Rail Transit

The Honolulu Rail Transit Project is eligible to share in an allocation of \$510,000,000 in federal funds next year provided the City and County of Honolulu and the Federal Transit Administration sign a full-funding grant agreement by the end of calendar year 2012, according to Senate Committee on Appropriations Chairman Daniel K. Inouye and Senator Daniel K. Akaka. The rail funding is one example of several Hawaii projects receiving funding in fiscal year 2012 after President Barack Obama signed the Conference Report on H.R. 2112, the Consolidated and Further Continuing Appropriations Act, 2012. The U.S. Senate approved the Conference Report on H.R. 2112 by a vote of 70 to 30.

The legislation includes the Fiscal Year 2012 Agriculture/FDA, Commerce, Justice, Science (CJS), and Transportation, Housing, and Urban Development (THUD) Appropriations bills, as well as a short-term Continuing Resolution to fund the federal government through Friday, December 16. The money that is set aside for the Honolulu Rail Transit Project, and a small number of rail transit projects in other cities, that are also in the final stages of development, represent continuing federal commitment to the project.

"Federal funds are hard to come by in the current budget climate and Honolulu has an opportunity to secure substantial federal support for this long awaited project designed to help alleviate traffic on Oahu. Rail transit will create thousands of jobs and bring welcome relief to commuters who are forced to spend hours in their cars each day inching through congested roadways. We have planned this project and debated its merits for decades and we must move forward. We must set aside our differences and work together. I remain committed to this project and will continue to do everything I can to direct federal funds to the work and ensure its timely completion," said Senator Inouye.

In addition to money for rail, the measure also includes \$13 million for Native Hawaiian housing and \$386,000 for the Native Hawaiian Housing Loan Guarantee Fund. The \$386,000 translates into \$41,504,000 in loan authority for the program and includes language that will allow borrowers to refinance their mortgages which they are not currently allowed to do.

The bill also includes \$1,456,083 for fruit fly eradication, minor crop pest control, papaya ringspot research, and sugarcane research. Native Hawaiian Serving Education grants received \$1,597,000, women and minorities in Science Technology Engineering and Math fields received \$400,000, and \$1,996,000 was provided to help geographically disadvantaged farmers and ranchers get their products to market. There are also funds for marine mammal and sea turtle protection, climate research, marine debris cleanup, fishery maintenance, at-risk youth mentoring, and other programs. According to Inouye, the bills are focused on a number of basic priorities: job creation, public safety, science, nutrition, housing, and transportation.

CITY AFFAIRS UPDATE

CONTINUED

Storage Bill Heads to Final Reading

Frustration with the state of Oahu sidewalks – a result of the burgeoning homeless population - resulted in the introduction of a bill to establish a procedure for the removal and disposal of personal property stored on public property. A representative from the Mayor's office testifying in support of the Bill noted that one of the major functions of the City & County of Honolulu is to repair, maintain and keep public property safe, clean and available for its intended use. Citing that some procedures are already in place, the City prefers a more comprehensive and uniform way to deal with private property stored or left on City property and provides workers with a solution when they come across property during repair, cleaning or maintenance work.

Some issues that have arisen during testimony by homeless advocates resulted in testimony by Corporation Counsel which claims that the Bill does not impose criminal penalties nor require enforcement by the Honolulu Police Department. The uniform administrative process for the impoundment, storage and disposal of personal property after proper notice also meets the requirements of due process because the Bill provides a person with multiple notices and a reasonable time period in which to retrieve their property prior to disposal.

Advocates, however, have challenged that the bill can too easily be used to abridge the freedom of speech and the right of peaceful assembly guaranteed in the First Amendment to the Constitution of the United States. They believe it also interferes illegally with the guarantees of security and against unreasonable search and seizure guaranteed in the Fourth Amendment. One lesser known state concern is the violation of the Kanawai Mamalahoe, the Law of the Splintered Paddle, which as the first formally declared law requires that all lying by the roadside not be harmed or disturbed. Some consider this to be a legal equivalent of the doctor's Hippocratic Oath: In the first place, do no harm. Despite vocal opposition by social service advocates, City Council is expected to pass out a final version.

2012 CITY COUNCIL HEARING SCHEDULE

Next year, City Council meetings will continue to be held once a month at 10:00 a.m. in the Council Chamber at Honolulu Hale, with presentation of Honorary Certificates at 9:00 a.m., prior to the meeting, and public hearings at 2:00 p.m. Committee hearings will also resume in January.

TUESDAYS

9:00 a.m. Safety, Economic Development and Government Affairs Committee: Tulsı Gabbard (Chair), Tom Berg (Vice-Chair)

10:30 a.m. Parks and Cultural Affairs Committee: Tom Berg (Chair), Ikaika Anderson (Vice-Chair)

1:00 p.m. Executive Matters and Legal Affairs Committee: Romy Cachola (Chair), Breene Harimoto (Vice-Chair)

WEDNESDAYS

9:00 a.m. Budget Committee: Ann Kobayashi (Chair), Tulsı Gabbard (Vice-Chair)

1:00 p.m. Public Works and Sustainability Committee: Stanley Chang (Chair), Ann Kobayashi (Vice-Chair)

THURSDAYS

9:00 a.m. Zoning and Planning Committee: Ikaika Anderson (Chair), Romy Cachola (Vice-Chair)

1:00 p.m. Transportation Committee: Breene Harimoto (Chair), Stanley Chang (Vice-Chair)

HONOLULU BOARD OF REALTORS®

2011 CITY AFFAIRS COMMITTEE

Committee Purpose: To advocate on issues important to the Honolulu Board of REALTORS®, influence legislative and regulatory policies to protect private property rights and which impact the real estate industry on Oahu.

CHAIR:

V. Elise Lee, RA
Caron B. Realty

MEMBERS:

Beverly Amaral, RA
Properties of Oahu

Jennifer Andrews, R
Primary Properties

Riley Hakoda, R, GRI, SFR
Pier Management—Hawaii LLC

Martha T. Kersting, R, GRI
International Realty Service & Consultants

Derek Lau, R, e-PRO, RSPS, SFR, SRES
Real Estate Specialists

Questor Lau, RA
iProperties Hawaii

Diane Leslie, R, CRS
Concepts Unlimited, Inc.

Cynthia Manabe, R, ABR, GRI
Realty Lau LLC

Karin Moody, R
Prudential Advantage Realty

Joe Paikai, R, GRI, SRES
Valcore Realty Group

Randy Prothero, R, ABR, AHWD, CRS, e-PRO, GRI, SFR
Century 21 Liberty Homes

Earle Shiroma, R, e-PRO
West Hawaii REALTORS® LLC

Jack Tyrrell, R
Jack Tyrrell & Company

Bob Vieira, R
Bob Vieira Realty, LLC

Edmund Wong, R, CRB, CRS
First Capital Realty One

HBR DIRECTOR OF GOVERNMENT AFFAIRS & STRATEGIC DEVELOPMENT:

Nelson Higa